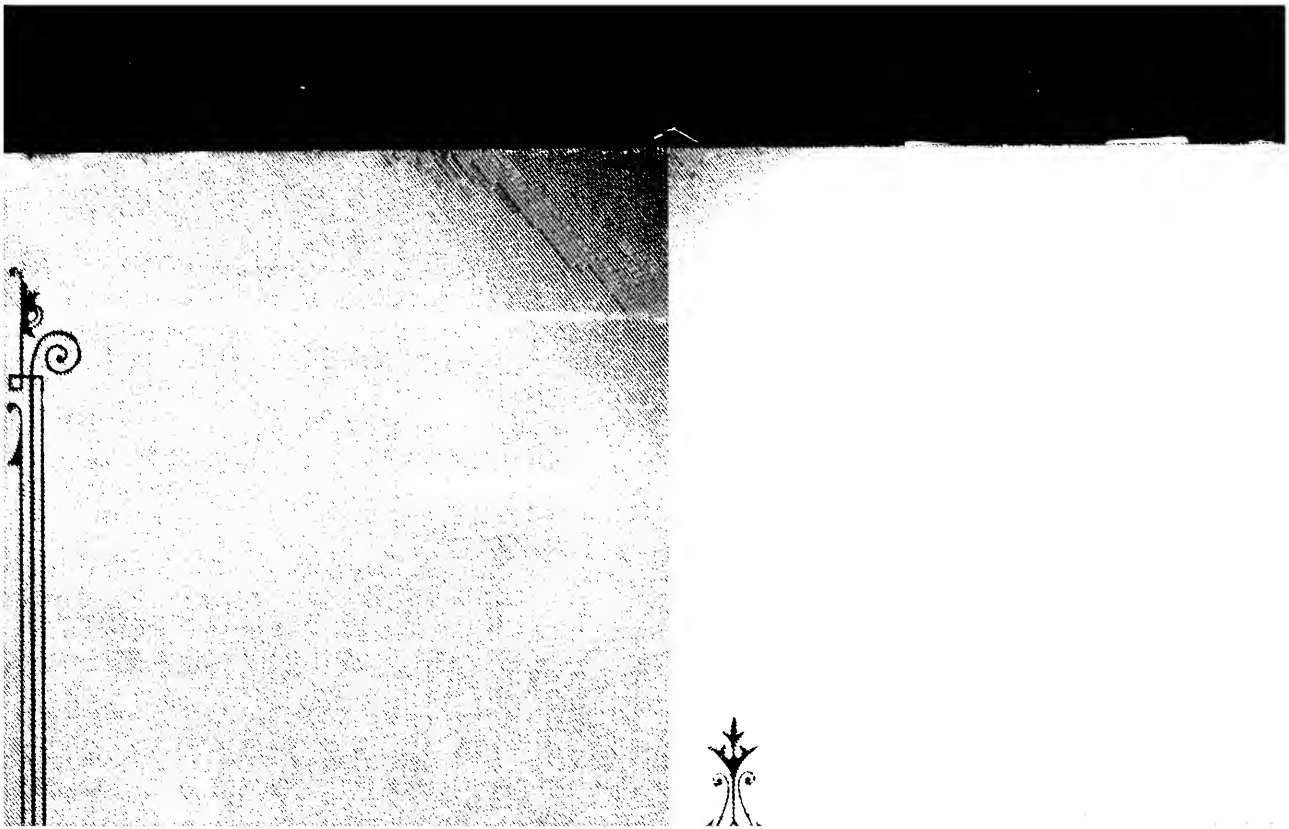

LIFE OF ALEXANDER HAMILTON.

THE LIFE

OF

ALEXANDER HAMILTON.

BY

JOHN T. MORSE, JR.

IN TWO VOLUMES.

VOL. I.

BOSTON:
LITTLE, BROWN, AND COMPANY.
1876.

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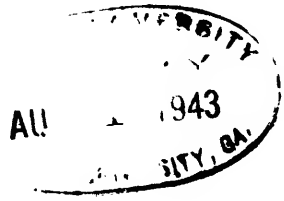

Cambridge:
Press of John Wilson & Son.

TO

HENRY W. PAINE, LL.D.,

THE PROFOUND LAWYER, KINDLY GENTLEMAN, AND UPRIGHT MAN,

THESE VOLUMES ARE DEDICATED BY THE AUTHOR,

AS A TOKEN, ONLY TOO INSUFFICIENT,

OF RESPECT AND AFFECTION.

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PREFACE.

It is now many years ago that I first conceived the purpose of writing a "Life of Alexander Hamilton." The undertaking was repeatedly postponed with the intention of awaiting some period of leisure; but as from year to year the prospect of that period seemed to recede rather than to approach I at last despaired of its ever arriving, and some four years ago entered upon my task without farther delay, and have since prosecuted it in such intervals as I could snatch from professional occupation. Doubtless the work could have been much better done by some student of American history who could have devoted his unbroken days to the topic, and made it the sole object of his reading and reflection. But as none such has appeared in nearly three-quarters of a century, I have ventured to make my effort.

The object which I have had in view has been not so much to produce a learned and elaborate biography as a narrative which persons with no more than the average desire for information concerning the history of their country might be willing to read.

For the more painstaking few the seven volumes of Mr. John C. Hamilton's history cannot be improved upon. But the ordinary reader has not the courage to accomplish the perusal of so voluminous a work. As from time to time there have appeared the lives of many of the distinguished contemporaries of Hamilton, who were his rivals or opponents in politics, it has seemed that the people of subsequent generations were to hear only the side of those rivals and opponents, and so might come by degrees to entertain a most imperfect and unjust opinion concerning him. To aid the general reader in obtaining an accurate knowledge of his genius, character, and labors has been the end constantly held in view in the composition of these volumes. It was no easy task to make the chapters concerning the Constitution of the United States and the financial schemes of the treasury department popular and attractive reading; probably I have not succeeded in doing so, but so far as I could I have made the attempt.

I frankly acknowledge that I began this work with a deep admiration both for the character and the intellect of Hamilton, and that sentiment has strengthened as I have proceeded in the study of his career. Yet I have striven to be impartial; and when I thought him in error I have openly acknowledged the fact, without attempting to give any false color or plausible defence. The "Life" has at least been

written with thoroughly honest intentions. I have endeavored to avoid panegyric; and though I have praised him often and highly, yet I can assure the reader that in the original and contemporary authorities of the highest respectability, which I have used, there continually occurs laudation so unlimited that I have refrained from reproducing it. I should be sorry to deprive my words of the appearance of veracity by giving them the semblance of extravagance. But Hamilton was a man who excited no moderate feelings either of affection or animosity. His adherents worshipped him as a kind of human deity; his opponents assailed him as if he had been an incarnate fiend. He was loved as man has seldom been loved, and hated as a man free from the charge of any fearful crime against his fellow-men has seldom been hated. The language of moderation has never yet been used concerning him. How far I have succeeded in achieving it must be determined by those who may have the patience to journey to the end of my pages. To them I must leave it; yet with the presentiment that perchance I shall succeed in pleasing neither the ardent admirers nor the strenuous enemies of the great statesman, and so may obtain the least agreeable of all proofs of impartiality — the disapprobation of both the opposing parties.

JOHN T. MORSE, JR.

9 FAIRFIELD STREET, BOSTON,
March 4, 1876.

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LIFE OF

ALEXANDER HAMILTON.

CHAPTER I.

YOUTH.

In 1730, Alexander Hamilton of Grange, — one of the illustrious Scottish family or clan of that name, — was married to Elizabeth, the eldest daughter of Sir Robert Pollock. Many children were born of this marriage. The fourth son, James, was bred as a merchant and, attracted by the wide field for mercantile pursuits then opened in the West Indies, he left his native country and settled in St. Christopher's. There he met and married a lady of French descent. Her father's name was Faucette, a Huguenot, who had fled from France to these islands after the revocation of the Edict of Nantes. She had previously espoused, in early youth, at the command of her mother though against her own inclination, a rich Dane named Lavine. But these forced nuptials were followed not long after by a divorce, and subsequently by the second and happier marriage with Mr. James Hamilton. Several children were born to this couple; but only one, the youngest,

Alexander Hamilton, lived to mature years. He was born upon the island of Nevis, on the eleventh day of January, 1757. He was still very young when he had the misfortune to lose a mother, who is represented to have been no ordinary woman. It was her rare beauty that had attracted the attentions of her first husband; but the child, Alexander, had a precocious appreciation of her higher charms of mind and character. Of her cultivation, her noble and generous spirit, and her refined and elegant manners, he ever retained and was wont often to express the most lively and tender memory.

It would be an interesting speculation for one fond of such obscure studies, to inquire how far the peculiar qualities of the mind and character of Hamilton were due to this intermingling of the blood of two widely different races, and to the superadded effect of his tropical birthplace. It seems possible, without becoming over-fanciful, to trace quite clearly these diverse and powerful threads of influence. Thus, there are plainly to be noted in him many of the most marked and familiar traits of the genuine Scot. The intensity and ardor of his nature bring at once to mind the phrase in which one of their writers described what seemed to him the most striking characteristic of his countrymen, the *perfervidum ingenium Scotorum*. He manifested also, in a rare degree, the shrewdness, the logical habit of mind, and the taste for discussion based upon abstract and general principles, with which the Waverley Novels have made us familiar as distinguishing aptitudes of the Scottish intellect. At a time, too, not very many years after the Scotchman, Adam Smith, was first

enlightening the world upon the principles of political economy, and changing the policy and legislation of nations,[1] Hamilton was rendering himself famous, in circumstances of a novel and perplexing description, as the leading financier of his age.

If his mental traits were Scotch, his moral traits carry us back to his French and Huguenot ancestry. He had the ease of manner, the liveliness and vivacity, the desire and the ability to please, which Frenchmen claim as their especial heritage. He evinced the firm moral courage, the persistence in noble and generous endeavor, the power of self-sacrifice and the elements of a grand heroism, which might be expected in the descendant from one of the high-spirited Protestant exiles of France, a band of men the example of whose courage and resolution it would be difficult to find surpassed in the pages of history. His warm, eager temperament, his whole-souled enthusiasm, and his affectionate nature, may perchance have been due in a measure to the influence of the fervid and luxuriant climate which his parents had adopted as their home, and where he himself was born and passed the susceptible years of boyhood. At least the astonishing precocity of his ambition and the early development of his mind may not unreasonably be supposed to have been stimulated by this cause. Vague and very possibly erroneous as all surmises of this kind must be considered, it is yet impossible to resist the temptation to indulge in them. So many rare and various qualities were united in Hamilton, so wonderful is the tale of his mature youth, so interesting and

[1] The "Wealth of Nations" was first published in 1776.

attractive is his career, that one cannot but ask with more than ordinary curiosity whence came these unwonted and remarkable traits; and speculation, becoming thus aroused, turns naturally to contemplate his parentage and his birthplace with peculiar care.

Before the death of his mother, his father had fallen, "through a too generous and easy temper," into financial difficulties. By reason of this poverty, Alexander, who was the only child surviving the mother, was taken charge of by her relatives. They lived at Santa Cruz; and there he was put to school, and received such meagre rudiments of education as were accessible in the neighborhood. These, it is presumed, went little farther than a thorough instruction in English and French, with both of which languages he had an equal and perfect familiarity; though one odd, and not very useful, acquirement was the learning to repeat by rote the Decalogue in Hebrew,— a feat which he accomplished when a very young child at the school of a Jewess. The narrow routine of his studies he fortunately supplemented by a generous course of miscellaneous reading, guided in some measure by the advice of one Doctor Knox, a Presbyterian clergyman. But he was only between twelve and thirteen years old when he was removed from school altogether, and placed in the counting-house of Mr. Nicholas Cruger. Under the guidance of this successful merchant and excellent man, the boy made such rapid advances in a knowledge of affairs, that his employer ventured to leave the island for a time, and to place the whole management of the business in the sole charge of Hamilton, who had

not at the time completed his fourteenth year. Yet this distinction was achieved by him in spite of a distaste for a mercantile career, and apparently only by the assistance of that thorough and energetic temper, which prevented him, throughout his whole life, from ever doing any thing, no matter how slight or contrary to his native inclination, with less than his whole strength. A letter written by him to a young friend and schoolfellow during this time of his mercantile novitiate, dated November 11, 1769, may be read with a smile, but is certainly a remarkable expression of his juvenile sentiments and aspirations. It will be observed from the dates, that he was not quite thirteen years old when he wrote as follows:

"As to what you say respecting your soon having the happiness of seeing us all, I wish for an accomplishment of your hopes, provided they are concomitant with your welfare, otherwise not; though doubt whether I shall be present or not. For to confess my weakness, Ned, my ambition is prevalent, so that I contemn the grovelling ambition of a clerk, or the like, to which my fortune condemns me, and would willingly risk my life, though not my character, to exalt my station. I am confident, Ned, that my youth excludes me from any hope of immediate preferment, nor do I desire it; but I mean to prepare the way for futurity. I'm no philosopher, you see, and may be justly said to build castles in the air; my folly makes me ashamed, and beg you'll conceal it. Yet, Neddy, we have seen such schemes successful, when the projector is constant. I shall conclude by saying, I wish there was a war."

What ultimately proved the best of all possible openings for the "prevalent ambition" of the young clerk came at last in the year 1772. In August, a hurricane of more than the ordinary violence, even in tropical latitudes, swept over the Leeward Islands. The wreck and devastation were wide and fearful.

Forthwith, ere the terror and excitement had subsided, there appeared in a newspaper published at St. Christopher's an account so powerful and so vivid, that even the Governor of St. Croix became curious, and exerted himself to discover the unknown writer. By this investigation the article was traced to Hamilton. The unusual capacity which it displayed, taken in connection with his age and prior opportunities, led to farther and more serious consideration as to his proper career. He was himself consulted, and his own desires, made known under these circumstances, were very kindly allowed to prevail over the schemes previously designed concerning him. By this turn of good fortune it happened that in October, 1772, he set sail for Boston, aided by such liberal financial arrangements as would amply enable him to pursue his studies upon the most extended scale then afforded in the colonies. The voyage was not accomplished without an incident which, in heathen or superstitious days, would have been viewed, in the light of his subsequent career, as an omen or even a miracle. Shortly before the vessel made port, she was discovered to be on fire. The extreme peril of the position of a ship in flames in mid-ocean may be conceived. Whether it was due to the fact that she bore Alexander Hamilton and his fortunes, or whether, without this temptation to Providence to intervene, the exertions of the crew would have been equally effective in subduing the conflagration, may be an open question; but certain it is that the peril was wonderfully escaped, and though hope might have seemed impossible, yet the craft was saved and brought into Boston harbor.

Thence Hamilton proceeded at once to New York and placed himself at a grammar-school of high repute, established at Elizabethtown, under the patronage of Governor Livingston and Mr. Boudinot. He had the excellent good fortune to become intimate in the families of these gentlemen; and he brought letters from his good friend, the clergyman, Dr. Knox, to other agreeable and distinguished persons in New York. He appears to have lived for some time at the house of Governor Livingston; nor is it easy to overrate the advantage attendant upon a free and cordial reception into such society, occurring at once upon his first advent without friends or connections in a new country.

Meantime, Hamilton was assiduous in his toil. Time, opportunity, and the money of his friends were all improved with the native zeal of his temperament. In the winter he was wont to prolong his studies until midnight. In the summer he began them even with the dawn. Such a tremendous pace devoured the road. A full twelvemonth had not elapsed, when the master of the school, Francis Barber, — a man of considerable note in his calling, and afterward a distinguished officer in the War of the Revolution, — declared this energetic pupil to be in every respect fitted to enter college. Forthwith he repaired to Princeton, and called upon Dr. Witherspoon, then the president of the college there, a native of Edinburgh, a scholar and a gentleman, whose reputation has come down to our own day. Many years afterward the doctor and his would-be pupil sat together in the Congress of the United States. To him the young applicant now preferred the novel request,

that, having been placed in the outset in any class for which by his examination he should prove himself qualified, he might be allowed to advance thence as rapidly as he was able, untrammelled by the regulations of the established curriculum. The request was too startling to find favor with the sober trustees of the institution and was refused.

Disappointed here, he next had recourse to Columbia (then called King's) College, in New York. The more liberal principles of that foundation led to a concurrence in his plan, and he went through the regular course at his own rapid pace, under the instruction of a private tutor and not as a member of any particular class. Nor did he even confine himself to the allotted studies, but added a series of lectures upon anatomy, and was likewise an energetic member of a debating club, where he is said to have especially distinguished himself.

The country to which Hamilton had come in search of a collegiate education was in but indifferent condition to afford days of uninterrupted and studious leisure for the tranquil pursuit of learning, especially to a youth who was troubled with a "prevalent ambition," and nourished longings for a war. The revolutionary storm had been already brewing for several years when he first landed. In 1765, the stamp act had been passed. In 1768, the famous circular letter of Massachusetts was sent forth among her sister colonies. In the winter of 1769–1770, there were mobs in New York City, and more or less frequent and serious collisions between the patriot populace and the British soldiery. On the fifth of March, 1770, took place the famous Boston massacre on King

Street. It was not till October, 1772, that Hamilton first arrived in the country, and it was in the autumn of 1773, or early in the ensuing winter, that he entered college.

Tumultuous as was the state of public affairs around him, he for a short time steadfastly pursued his studies, and seems by his undisturbed and thoughtful demeanor, so singular in those months of universal excitement, to have attracted attention. He had come to New York to fulfil a specific purpose, which with his usual tenacity he was resolved to carry out. He had not expected to act at once; he intended to fit himself to act in the future. Preparation was his immediate object. Moreover, he had just emerged from a loyal neighborhood; the history and traditions of his new home were novel to him; the long series of indignities and aggressions, which had nearly wrought the colonists up to fighting heat, had been unfelt by him. For a few months after his advent upon the soil of the States he felt himself a sojourner and a foreigner; nor was it certain that he would ever be a citizen. His destiny was undeveloped; even his wishes, for aught that appears, were undetermined. It naturally took some little time to impregnate him with the sentiments of the strangers amongst whom he had suddenly alighted. Nor was he at once pressed to choose his course. The results of the universal agitation were still embryotic and uncertain. Discontent and anger were rife; but private discussions, interspersed with an occasional public meeting, address, or street disturbance, were thus far the only forms of action. There was no opening for Hamilton to take any important part in

any movement promising to have permanent consequences, even if his youth and his incomplete training were obstacles which he would have been inclined to overlook. To some of the same causes may be attributed the fact that his earliest prejudices in the matter, formed evidently upon a very imperfect examination of the questions at issue, and deserving to be called impressions rather than opinions, leaned to the side of the British Government.

But in the spring of 1774 he made a visit to Boston. Only a few months had elapsed since the raid had been made upon the tea-ships in Boston harbor; and Hamilton came among the citizens while the "tea-party" and its probable consequences, more especially the famous "Boston Port bill," were the subject of animated discussion upon every side. Away from his tutor and his books, and the shade of the great placid trees of his favorite promenade on Batteau Street, he gave more thought to the affairs of the passing hour. He was in a good neighborhood to obtain thorough enlightenment; and the result of his investigations was a complete change of his previous vague notions, and a zealous enlistment in the ranks of the colonists.

The rapidity with which, having once begun an examination of the subject, and still not neglecting his collegiate studies, he became master of all the arguments which had been or could well be advanced upon either side must excite admiration. On July 6, a great meeting of the patriots of the city of New York was summoned to meet in the suburbs. Those among the inhabitants of this State who were inclined to resist the British pretensions had grave and peculiar

difficulties to encounter. The lower house or Assembly was controlled by politicians in the Tory interest; and when it became desirable to act upon the proposition for holding a general congress, to be composed of delegates from all the colonies, it seemed but too likely that this hostile majority would succeed in preventing the patriots of New York from obtaining any representation in the national body. It was in the hope of effecting a choice of delegates by the people at large, that "the great meeting in the fields" was convened. A vast multitude assembled, and was addressed by many speakers of note.

Hamilton stood by and listened. But with listening his blood warmed. To all which had been said he felt that he could add something of value, and, eager to add it, at last gathered courage to rise and address the people. He was only seventeen years old, and of such short and slight stature, that he presented the appearance almost of a boy. The throng of grown men was astonished. It was, indeed, a daring experiment that was made before them; but the courage which had incited Hamilton to the undertaking carried him bravely through it. He faltered for a moment; but the people before him were kindly attentive and patient; he promptly collected himself and soon forgot all else in the ardor of oratory. It is related that the speech was a brilliant success, and secured admiration and applause. If it had been not altogether a failure, the wonder would have been great enough. For it was not an harangue delivered to a promiscuous crowd, but an argumentative address made to a body of the best persons on the patriot side in the city, who had come

together to transact some very serious business. That he held the ear of such a body of men was enough at once and by itself to confer upon Hamilton no inconsiderable reputation.

At this point it must be considered that not only the boyhood but even the youth of Alexander Hamilton have been brought to a close. Already he had presented himself in a conspicuous manner, before the people among whom he lived, as one capable of guiding and counselling. From this mature position, once assumed, there could be no retrogression. Those who love to study the unfolding of great powers, and to ponder upon the chrysalis stage of genius, may be disappointed that so few pages of meagre narrative are furnished for the gratification of their taste. But I believe that nothing more is known of the first seventeen years of Hamilton's life, than has been told in the foregoing pages. Few as these are, yet they have completed the tale, and here we must take leave of the youth. For the future we shall see only one treated as a grown man, doing the work of a grown man in the fashion of a grown man. He emerged from immaturity at least eight or ten years earlier than the generality even of distinguished men; and he emerged from it so fully and decisively, that scarce a trace of it, save in his personal appearance, remained at any time afterward perceptible.

Hamilton was now both in the public expectation and by his own feelings fully committed to the colonial struggle, and he prosecuted his part therein with his wonted spirit and ardor. At that stage of the contest the pen was the chief weapon employed, and

this was actively wielded upon both sides, preëminently so in New York. Hamilton was a frequent contributor to the columns of a whig newspaper published in the city by John Holt and devoted to the patriot cause. Sometimes he sent grave and argumentative articles, sometimes he fell into the satirical vein, and occasionally he furnished burlesque and doggerel rhymes. But whatever form his writings took, they never failed to attract notice, and often to elicit the praise of such men as Jay, McDougall, and other literary combatants of established repute in the cause.

Shortly after the adjournment of the first Congress, there were published two essays written jointly by Dr. Seabury, afterward Bishop of Connecticut, and Mr. Wilkins, an able clergyman of Westchester County, N. Y. The first was entitled, "Free Thoughts on the Proceedings of the Continental Congress;" the second was called, "Congress Canvassed; By a Westchester Farmer." These were really papers of much cleverness and force, stating the British side of the controversy in a clear, pungent style, yet in that homely form of argument which was especially desired. They were loudly cried up by the loyalists, were widely read and discussed, were gratuitously distributed by the party in whose cause they had been written, and altogether bid fair, if left unanswered or only feebly answered, to do serious injury to the popular cause. The dangerous character of these tracts was sufficiently proved by the wrath which they aroused in the breasts of the patriots, who proposed to indict the author and publisher for treasonable designs, and at a county meet-

ing gave vent to their rage by tarring and feathering the printed sheets and nailing them to the pillory. Fortunately, protest and opposition soon took a more sensible and effectual form. A fortnight had not elapsed after the first appearance of the offensive pamphlets, ere there was published another broadside purporting to be "A Full Vindication of the Measures of Congress from the Calumnies of their Enemies, in Answer to a Letter under the signature of a W. Farmer, &c." This document was so forcible that the tory writers felt compelled to come to the rescue of the tracts, which they had already sent into the field, with still another of the like tenor. In this, the Westchester Farmer gave his "View of the Controversy." His temper evidently had not been improved by contact with an adversary. But neither the temper nor the arguments of that adversary seemed to have suffered in their turn; for he promptly replied with a pamphlet entitled, "The Farmer Refuted, &c."

This last publication, which made quite a little volume, was thorough and exhaustive, and apparently discouraged the clergymen from further prolonging a contest in which they had experienced an opposition of such unexpected force. For a time the patriot writer remained unknown, though much curiosity was expressed concerning him; especially were the gentlemen amongst whom he had carried such an unpleasant fluttering desirous to discover who he was; and for a few weeks the inquiry prosecuted with equal eagerness by both parties was as hot in the interested neighborhood, as ever it was for the author of "Waverley" or for the veritable Junius.

It was conceived to be impossible that a novice could have achieved such distinction, nor was there noticeable any immaturity in thought or style promotive of this suspicion. The credit was at first divided between Mr. Jay and Governor Livingston, whose reputations received no small accretion from the belief. When by degrees the name of Hamilton, a lad whose eighteenth birthday only had occurred between the dates of the publication of his two tracts, was given as that of the writer, the incredulity expressed at first soon gave way, in the face of certain proof, to unlimited admiration and astonishment. Oddly enough it happened that Dr. Cooper, President of King's College, where Hamilton was still pursuing his studies, had occasionally been engaged in controversy with the student in the anonymous warfare of the newspapers. He was with difficulty made to believe in the identity of the distinguished patriot writer with the laborious young disciple. But to his credit it should be recorded, that, when convinced by irrefragable testimony, he seems, in spite of the warmth which often signalized the contest, never to have sought an ignoble revenge by harassing his audacious pupil.

It is not probable that these essays will be read hereafter by any persons save patient and laborious students of the history of that era. Neither would an abstract, however brief, of the arguments advanced in them prove acceptable to the generality of readers. Such an abstract could not, indeed, be easily drawn; for one of the distinguishing traits of the papers was their terse and pointed style. But the foresight displayed in some parts of the second

pamphlet deserves a moment's notice. The writer ventures to speak of a possible condition of independence. He looks forward to and discusses the effect of the establishment of manufactures — especially of cotton fabrics — in this country. He foreshadows that system, since so zealously prosecuted, of making this continent sufficient unto itself and independent, if need should be, of all other nations of the globe. Referring to the chances of war, he depicts beforehand, with what proved to be perfect accuracy, the peculiar military character which that war must assume as one of defence, — the Americans availing themselves largely of the nature and extent of the country to harass, and by degrees to tire out, the enemy. He urged the probability that France, and perhaps also Spain, might see their own interest in taking even an active part in our behalf in any struggle with Great Britain. To us, who have seen these predictions fulfilled, and who are familiar with them as accomplished facts, this foresight may seem natural; but it was not shared even by able colonial leaders at that day.

After the authorship was discovered, it was deemed by the royalists to be very desirable to enlist such a recruit in their own ranks. The fact that Hamilton was so young, and comparatively a stranger in the land, made it seem not improbable that he had been prompted in his labors by the desire of distinguishing himself in the quarter where the opportunities for distinction seemed most promising, rather than by any deep conviction or warm feeling in behalf of the colonists. He was accordingly approached with offers of liberal compensation and handsome treat-

ment, if he would, as it was supposed that he easily might, change his opinions and embrace the British side. But so far as his undertakings had been due to the incitement of ambition, that ambition had been of a thoroughly honorable kind. He had taken no active or decided part, until he had made up his mind clearly and finally with which party the right lay. All inducements thereafterward held out to him to desert that part were met with an unhesitating refusal.

Four months later, in June, 1775, the "Remarks on the Quebec Bill" were published, and not only maintained but extended the reputation already won.[1]

But events were travelling fast in these days, and pamphlet-writing was soon superseded by more

[1] To protect myself from the charge of exaggeration, after the too frequent fashion of biographers, let me sustain my own remarks by quoting the words of a writer amply qualified to judge, and not wont to use the language of overheated admiration. Mr. George Ticknor Curtis says, in a brief *résumé* of Hamilton's life and character: "At the age of seventeen, his political life was already begun; for at that age and while still at college, he wrote and published a series of essays on the 'Rights of the Colonies,' which attracted the attention of the whole country. There are displayed in these papers a power of reasoning and sarcasm, a knowledge of the principles of government and of the English constitution, and a grasp of the merits of the whole controversy, that would have done honor to any man at any age, and in a youth of seventeen are wonderful. To say that they evince precocity of intellect, gives no idea of their main characteristics. They show great maturity, — a more remarkable maturity than has ever been exhibited by any other person, at so early an age, in the same department of thought. They produced, too, a great effect. Their influence in bringing the public mind to the point of resistance to the mother country was important and extensive." — *History of the Constitution of the United States*, vol. i. p. 408.

active exertions. Blood was shed in Massachusetts at Lexington, and in New York mobs were frequently parading the streets and committing occasional outrages against the more notorious and unpopular tories. On two occasions of this nature, Hamilton distinguished himself as the champion of law and order. An assault was made upon the residence of Dr. Cooper, the president of the college, with the design of seizing his person and inflicting some manner of indignity upon him. Fearful for the result, should the excited rioters get the unpopular gentleman in their grasp, Hamilton, backed by his friend Troup, ascended the steps and began an address to the crowd. The terrified doctor, knowing his young student's proclivities, and by no means equally sure of his good sense and moderation, at once conceived that he was instigating the people to outrage, and shrieked out to them from a window, begging them not to listen to him, for that he was crazy! Soon, however, gaining a clearer view of the situation, the besieged gentleman hastened to avail himself of the brief and valuable diversion which his friendly advocate was making for him, and escaping out of the house he made his way to a British war vessel in the river, where he could receive protection.

A like exploit followed soon afterwards. Rivington, the printer, kept his press in the city of New York constantly busy in the service of the royalists, only occasionally publishing a pamphlet on the other side in order to divert hostile observation. The *ruse* was too palpable to be successful; yet the popular indignation was still held within bounds,

until one Captain Sears, a New Yorker, of a fiery temperament and of most rash zeal in the cause of the colonies, disgusted with the meekness and long-suffering of his fellow-citizens, crossed into Connecticut, and there raising a troop of seventy-five horsemen returned forthwith at the head of his cavaliers to the city of New York. At high noon he rode gallantly into the place; the mob gathered at the heels of his band in considerable force, and the whole motley throng made straight for the printing-house. There Hamilton, and some few moderate spirits, encountered the raiders and undertook to check their fury. Hamilton, especially, made himself conspicuous in the effort, at no inconsiderable peril to himself, in addressing his excited and turbulent hearers. Unfortunately his courage was displayed in vain. The presses were smashed with vindictive thoroughness, and the leaden types, which had been defiled by use in the expression of tory arguments, were carried into Connecticut and there melted into patriot bullets. The band, on their return, seized a tory clergyman and a justice of the peace in Westchester County, and carried them off as *quasi* prisoners of war into Connecticut. The affair was very near breeding a serious dissension between the two colonies, but graver events and the national crisis rapidly supervening put an end to untimely differences of this nature.

CHAPTER II.

THE REVOLUTION.

THE war which the boy had longed for was now actually at hand. For a long while, every passing day had been rendering more hopeless the prospect of a peaceful extrication from the long-growing quarrel; and when at length Congress proclaimed its resolution to fight, a sufficiently large proportion of the people of the colonies exhibited the like temper to make it evident that the contest would neither be shunned in the outset nor hastily abandoned after its inception. The path to usefulness and to distinction could no longer be mistaken, and Hamilton set himself energetically to learn the art of war, both in theory and in practice. He studied pyrotechnics and gunnery in books and as the pupil of an English bombardier. Then, as the military fervor spread and opportunity offered, he joined a volunteer corps of young men, composed chiefly of his fellow-students, and instructed daily by an ex-adjutant of the British army. They assumed the chivalrous name of "Hearts of Oak," arrayed themselves in green uniforms, and wore leathern caps inscribed with the motto, "Freedom or Death." Thus equipped, they presented a

gay and gallant appearance. But they were as ready to act as they were to parade; and once, at least, it happened that they had the honor to be engaged in a service of substantial importance and real peril. They were ordered by the provincial committee to remove the cannon stationed on the Battery. While thus employed, a boat approached from the British man-of-war "Asia," which lay anchored not far off in the harbor. The citizens, conceiving that the boat was sent to interfere with the removal, fired upon it; whereupon the "Asia" sent a broadside to the Battery, which wounded three of the party and killed one of his comrades at Hamilton's side. He, it is related, "exhibited the greatest unconcern." Indeed, his personal courage, thus for the first time proved, was often afterward put to severer tests, and was always acknowledged to be of the highest and most tranquil type.

Erelong the Convention of New York, among other measures of military preparation, issued orders for the raising of a company of artillery. Hamilton promptly applied for the captaincy, and having proved his competence by satisfactorily passing an examination he received his commission, and was ordered to guard the colonial records. He was assiduous in the drill and instruction of his men, until the company became a model of discipline. Such qualities of finished soldiership were not so abundant in those days of raw recruits, that they were liable to be long neglected or overlooked. It happened one day that General Greene saw this troop at its exercise in the suburbs. The unusual accuracy of its evolutions attracted his attention, and he hastened to make the

acquaintance of the commander. In the short talk which he had with the lad, he was much struck by the display of military aptitude. He spoke of his new acquaintance to Washington, invited Hamilton to his own quarters; and from that day began an acquaintance which, in the outset of his military career, was useful in bringing the young officer into notice, and aiding him to secure the position which he deserved.* His own turn to be of service to General Greene came later in the war, and was fully improved.

Captain Hamilton's first experience of actual warfare was in the ill-starred battle of Long Island. Certainly it cannot be said that he was inducted into a knowledge of the arduousness of his new profession gently or gradually. A defeat more disastrous, or containing more elements tending to the demoralization of new troops, is not to be found, at least in the records of American history. The most raw and ignorant among the common soldiers must have seen, ere the action was far advanced, that the British had completely out-generalled their opponents. They were not only massed formidably in front of the Americans, but they had marched in force through the unprotected Bedford pass of the hills; they were pouring in their volleys in flank and even in some degree in the rear of the Continentals, and were rapidly cutting them off altogether from the line of their entrenchments. The Hessians, rushing forward to close quarters, were plying the bayonet with bloody ferocity. Of five thousand troops engaged on the American side, only about three thousand unwounded men succeeded in get-

ting within their redoubts when the gathering darkness put an end to the struggle. Hamilton was in the thick of the fight, and lost his baggage and a field-piece.

But service more trying to his nerve, and wherein the sustaining excitement of conflict was wanting, was performed by him on the third night thereafter. In the interval the army was recruited to nine thousand men by the arrival of detachments of fresh troops; but the movements of the enemy made it necessary to fall back into the city of New York, provided so perilous a manœuvre could be executed. It would have been easier for a general to resolve to fight a battle, even with a very slender hope of victory, than to determine upon this move, which, if frustrated, must have worse results than could be expected to follow the most crushing defeat. But the attempt was to be made. In order to accomplish it, it was necessary that after night-fall and before daybreak the whole army should be withdrawn stealthily from its encampments close beneath the vigilant eyes of the British sentries; should be brought down to the water's edge, embarked and transported across the swift tide of the Sound, a distance of three-quarters of a mile, to the opposite shore. It was obvious enough to all that the undertaking was that of desperate men. Discovery by the British would have resulted in a fearful carnage and the inevitable destruction of the army: possibly even in the crushing of the cause itself. Perhaps no other period of equal brevity in the whole war was fraught with such momentous risk as was crowded into the short hours of that foggy night; nor would it proba-

bly be erroneous to say that more glory, in a purely military point of view, was achieved by the successful prosecution of the retreat than had been lost by the previous defeat. While the regiments were carefully and silently filing down to the landing-place, with eyes and ears rendered alert by an anxiety which may be imagined for the sound of discovery and alarm in the hostile lines, Hamilton with his company was detailed to the honorable but dangerous and most trying task of bringing up, covering, and, in case of need, protecting the rear of the retiring forces. Fortunately he was not attacked, or it is only too probable that there would never have been occasion to write these pages. Yet the anxiety was none the less during the creeping hours, and amid such arduous and responsible duties it is not surprising that the youth matured rapidly into the man.

Hamilton remained with the army during the manœuvres upon the river banks to the north of the city; and was in the engagement at White Plains. Thereafter he was detached to cover a post near Fort Washington. Annoyed at the fall of that important position he offered to storm it, but General Washington conceived the undertaking to be too hazardous and declined the daring proposition. He rejoined the main army soon after that event, and then continued with it; accompanying it in the retreat into the Jerseys, and going through the marching and countermarching in that country, which proved harassing enough to the body, but even more so to the mind. He had his share, with the rest of the troops, of the laurels won at Princeton and at Trenton.

The army was not so large in that period of gloom

and depression, that the merit of any individual was in danger of being obscured by the multitude of competitors. Washington one day in going his rounds observed some works constructed with more than common skill. Inquiry showed that they were superintended by the young officer already brought so favorably to his notice by General Greene. The artillery company under Hamilton's command had still continued to be distinguished by its excellent discipline and soldierly air, but it had become reduced by hard service in fighting and in marching, till it no longer numbered more than twenty-five men. At the head of this mere fragment the capacity of such a captain was wasted, and General Washington, planning better things for him, invited him to headquarters at Morristown, and proposed to place him upon his own staff.

Such an expression of confidence in his character and abilities was flattering indeed to the young soldier. Yet it was not without hesitation and even a slight degree of reluctance, that he concluded to accept the position. Twice already a similar place had been offered to him upon the staff of a general officer, and each time he had declined it. His objection to it was, that it took him out of the line of promotion. A position in which he would be more able to win distinction and more free to push forward, as his aspiring nature prompted him to do, was far better suited to his taste. Yet the staff of Washington was very different from that of a subordinate; and furthermore Hamilton entertained such sentiments of respect and affection for his chief, that he could not easily determine to refuse the request preferred

with no small degree of warmth and earnestness. Having agreed to the plan, therefore, he was duly appointed, with the rank of Lieutenant-Colonel, on March 1, 1777.

His situation certainly was as agreeable as in its nature it could be. His comrades were Tilghman and Meade, and the "Old Secretary," Harrison; attractive and amiable gentlemen, possessing more than ordinary talents and cultivation, with whom it was altogether agreeable to associate upon intimate terms. The last named, a most kindly, popular, and accomplished officer, old enough to be Hamilton's father, took an especial fancy to him, and dubbed him "the little lion," — a *sobriquet* by which he long continued to be familiarly known among the circle of his intimate friends. But young as he was he held his own among his seniors in all matters of grave counsel, whether of a purely military or of a quasi-civil nature. With singular freedom from jealousy, they frankly accorded to him the consideration to which the intrinsic value of his suggestions entitled him. His opinions were received with kindly respect, and the terms upon which he associated with the commander-in-chief and his military family were as honorable to the spirit of those gentlemen as to the intellect of Hamilton. Indeed he soon came to be considered as Washington's "principal and most confidential aide." In all matters of moment it was his advice that was most anxiously sought, most carefully weighed, most frequently followed in whole or in part. If this is creditable to his head, no less creditable is it to his feelings and his sense that, young as he was when these honors were conferred

upon him, he yet fully escaped the unpopularity attendant upon arrogance and conceit. Those with whom he had most to do ever proved to be his warmest and best friends. Lafayette records, that in an intercourse of five years not even any temporary disagreement or ill-will was excited.

Nine months after he had been appointed aide-de-camp, he came of age. We may imagine that there was something almost droll in the reflections which must have been called forth by that event. That a man holding the place in active life and in the estimation of the distinguished men of the day, which it has been shown that he was then filling, should suddenly find himself called upon in the midst of consultation with middle-aged compeers as to military schemes, and of correspondence with mature statesmen as to matters of policy, to interrupt for a moment the grave current of his thoughts, and to remember that on the passing day he came of age, was for the first time his own master, and in the eye of the law was just now ceasing to be an infant and becoming an adult, presents certainly an odd picture. Companion sketches are rare in the gallery of history.

A minute account of Hamilton's career in the war of the Revolution cannot be advantageously given here. The fact that he was seldom absent from the army would furnish no excuse for repeating at length the oft-told, and somewhat wearisome, tales of all its manœuvring and fighting. Moreover, the nature of his position as a staff officer, during nearly the whole of his term of service, as he himself had foreseen, and often afterward regretted, prevented his enjoying any adequate opportunity for distinguishing himself in a

separate and independent command, even as an exceptional episode. It must suffice, therefore, to mention the few occasions when circumstances happily enabled him to render himself prominent; to dwell upon the general tenor of his duties, and to discuss his character and capacity as a military man, so far as these were made apparent by his actions or his writings. We find him holding the pen more often than the sword; for, though he shared in every engagement of Washington's army, yet the stricken fields of the Revolution were not extremely numerous, and, on the other hand, the mass of writing and correspondence was immense. The ability which he displayed in the exercise of this literary function caused an extra amount both of public and private letter-writing to fall upon him. It is, indeed, odd to note how often and by how many different persons his talent in this direction was recognized and admired. "The pen of Junius is in your hand," writes Colonel Laurens, in 1778, when Hamilton was only twenty-one years old; nor was the cultivated and well-read Laurens a man liable to commit an error of judgment in a matter of this nature. So, likewise, says another good judge, Colonel Troup; the letters of "Publius," written about the time of the Gates-Conway cabal, "struck him as the closest imitation of Junius which he had ever read." It was the clear, pithy, and trenchant character of his style which caused this especial comparison to be presented to the minds of his readers. His devoted friend and thorough-paced admirer, General Knox, writes, in 1777, in his own odd, emphatic fashion, with many capitals and much underlining: "*Mark this!* You must be the Annalist and Biogra-

pher, as well as the Aide-de-camp, of General Washington, — and the Historiographer of the *American War!*" To this same purport, not once only but afterward again and again, wrote the plain-spoken, gallant, honest, and hard-fighting old general. It was his darling scheme to have a "Hamilton's History of the Revolution." He made a kind of pet of Hamilton, as a senior might of a younger man; and yet all the while he respected him, and deferred to him as already an intellectual superior, in a manner peculiarly touching, and as honorable to the bluff veteran who entertained such generous sentiments, unalloyed by a shade of envy, as to the youthful hero who excited and deserved them.

Hamilton's temperament was such that it was impossible for him ever to spare himself when there was work to be done, whether in the saddle or at the desk. Riding, writing, and thinking, more fatiguing than either, filled up the full measure of his days and his nights. The incessant labor taxed severely his slight and youthful frame, little inured to physical hardship and necessarily immature for the burden of anxiety which was laid upon him. Two or three times his health temporarily yielded, and twice he appears to have been seriously ill. Yet he battled with impatient bravery against prostration, and always came back to his toil again at the earliest moment. But in sickness or in health his spirits never flagged, his courage never waned. In all the published correspondence of the Revolution, no officer, from the commander-in-chief downward, writing from Washington's army, appears to have maintained a tone so uniformly sanguine. Even the

gloom and despondency of the grim winter at Valley Forge were powerless to daunt him, to banish his cheeriness or to dispel his hopes. The ranks were thinned; the army retreated; the soldiers grew discontented; the military chest became depleted; the most necessary supplies ran low. Still, he found gleams of light and encouragement; he could see and explain that the past had not been without its successes; that the present moment was but a brief period of transition. He could show how success might be reasonably expected in the not distant future, and could assert courageously that a good seed had been sown, which a fair harvest must follow. This bright temper of the young officer, not coming in flashes of juvenile excitement, but shining with an even, steadfast light through the darkness, is very remarkable. Courage and resolution in abundance belonged to the heroes around him; without such qualities, indeed, life could not have been preserved in those days: without the aid of the mind, the body must have succumbed to hardship and privation. But it seems to have been given to Hamilton alone to feel actually cheerful. As we read Washington's letters, full of grave warnings, of anxious forebodings, — inevitable sentiments with one filling the position of supreme responsibility, — we can conceive how the buoyant spirit of the young aide must have endeared him to his elder, and made him seem especially welcome as the prophet of a happier future.

This trait it was in part, and in part also a singularly engaging manner, that caused Hamilton to enjoy probably a greater degree of personal popularity than was achieved by any other officer under Washington.

In addition to respect for his character and abilities, there was constantly expressed for him a warmth of attachment quite striking in its frank and open fulness. His detractors have charged him with a too aspiring and grasping temper and an egotistical and overweening self-assertion. But selfish egotism does not make friends in any calling in life, especially in a military career during terms of active service. Ideal as every feature of the Revolution now seems to us, it is yet undeniable, that, in respect of jealousy and heart-burnings in the armies, it was no better — perhaps it was even worse — than other less honorable wars.

Such enemies as Hamilton had at this time were not his own, but Washington's. These individuals, who have been consigned by history to the limbo of a well-deserved ignominy whence any future escape seems to be hopeless, afraid openly and at once to assail the General, whom the large proportion of the people thoroughly trusted, preferred rather to initiate their campaign by attacks upon his most valued friends and advisers. If they could destroy the supports, the column itself, as they hoped, might totter. At Hamilton, therefore, in honorable company with a few others of Washington's nearest and dearest friends, they directed the assaults of their malice, and cast discredit upon him, not in fact for his own sake, but for that of his friend and commander; not by reason of his demerits, but for the sin of loving Washington.

The French officers established an especially friendly footing between themselves and Hamilton. It was not alone that his mastery of their language

was like that of a native, but his vivacity and cheeriness and ready sympathy were traits which for them had a peculiar charm. Lafayette, in particular, loved him as a brother. Here is a sample — one among many — of the enthusiastic expressions of feeling into which the warm-hearted Frenchman occasionally burst: —

I know the General's friendship and gratitude for you, my dear Hamilton; both are greater than you perhaps imagine. I am sure he needs only to be told that something will suit you; and when he thinks he can do it he certainly will. Before this campaign I was your friend, and very intimate friend, agreeably to the ideas of the world. Since my second voyage my sentiment has increased to such a point the world knows nothing about. To show *both*, from want and from scorn of expressions, I shall only tell you — Adieu!

Yours,

LAFAYETTE.

Scarcely less eager was the affection of many others. They did not find military life in the great, wild, young country, amid raw, undisciplined, ill-supplied levies, quite what they had expected. They suffered many vexations, were often cruelly *désillusionnés*, and of course had their full share of substantial hardships. Occasionally, when they could no longer endure in perfect silence, they turned to Hamilton to pour out their hearts, and to seek such aid as he could procure for them.

The following entertaining, half ludicrous and half pathetic, appeal of Colonel Fleury may serve as a sample of the epistles which the aide was in the habit of receiving: —

L'INFANTERY CAMP, 18th August, 1779.

DEAR COLONEL, — The officers of the two A Battalions of l'Infantery, which I actually command, have applied to me

for ceasing to run over those craggy mountains barefooted, and beg that I would write to headquarters to have an order from his Excellency to get me pair of shoes for each; the shoes they hint to are at New Windsor, and their intention is to pay for.

Do not be so greedy for shoes as for my blanket, and think that the most urgent necessity has determined their application; they are quite barefooted.

I am, &c.,

L. Fleury.

N.B. As his Excellency could form a very advantageous idea of our being lucky in shoes by the appearance of the officers who dined to-day at headquarters, and were not quite without, I beg you would observe to him, if necessary, that each Company had furnished a shoe for their dressing.

Camp L'Infantery, 19 August, 1779.

Whether the shoes, or the more important blanket for poor Monsieur Fleury, were forthcoming we must be content to know not. But that the writer had the kind consideration and kinder endeavors of Hamilton we may rest assured.

Baron Steuben, too, the favorite of the great Frederick, — a soldier, by the way, who had far too good an opinion of himself to endure any overweening vanity, especially if manifested by a boy young enough to be his grandson, — became tenderly attached to Hamilton. In return Hamilton did him substantial services; in particular, he did for him what the free-handed old soldier never could do for himself, — took care of his hard-earned money for him. "The Secretary of the Treasury is my banker," the baron used to say, in later days, with kindly satisfaction; "my Hamilton takes care of me when he cannot take care of himself."

Hamilton's friendship with the high-spirited, gen-

erous, and accomplished Laurens was probably the warmest that he cherished for any man during his life. Indeed, the records of this attachment, so firm and tender, so honorable to both parties, seem almost to transport us to the regions of romance. Their sentiments are not proved alone by the frank and manly expressions of affectionate regard, which abound in the correspondence sustained with the greatest regularity between them in all periods of absence; but each gave practical evidence by very substantial sacrifices, that he could prefer the happiness of his friend to his own advantage.

On December 24, 1778, Laurens became involved in a duel with General Lee. The provocation was language used by the general of a nature very disrespectful towards General Washington. The combatants met; General Lee being attended by Major Edwards, and Colonel Laurens having as his second Colonel Hamilton. They approached within about five or six paces of each other, and exchanged shots almost at the same moment. General Lee was hit, but the wound was so inconsiderable that he proposed to fire a second time. Laurens assented. Hamilton "observed that, unless the general was influenced by motives of personal enmity, he did not think the affair ought to be pursued any farther; but as General Lee seemed to persist in desiring it, he was too tender of his friend's honor to persist in opposing it." The combat was thus about to be renewed, when Major Edwards again interposed. An explanation ensued, and the affair ended without serious mischief to those engaged in it. Hamilton drew up, and the two seconds signed, a minute nar-

rative of the entire proceedings, concluding with the statement that: "Upon the whole, we think it a piece of justice to the two gentlemen to declare, that, after they met, their conduct was strongly marked with all the politeness, generosity, coolness, and firmness, that ought to characterize a transaction of this nature."

In his opinions concerning men General Washington was very shrewd. Sometimes, though rarely, he was led into error by the kindness with which he judged their characters and motives; but seldom, if ever, did he err concerning their intellectual capacity. In his military and in his civil career he had the happy gift of always recognizing and always bringing around him the best persons in each department of knowledge. For one who relied upon cool, sound judgment and resolute, conscientious endeavor rather than upon brilliant, overpowering genius, this ability was probably indispensable to success. Without it, Washington's career must certainly have been a failure. The seal of his approbation, therefore, by itself alone, creates a powerful presumption in favor of any person honored therewith. For this reason, it is especially worthy of note that, for the two missions of greatest importance and delicacy to which he had it in charge to depute some person subject to his orders, he selected Hamilton.

The first and chief of these was the mission to General Gates, in November, 1777. Hamilton was then only twenty years old. General Gates was upon the banks of the Hudson, in an independent command and with a considerable army, subject of course to any absolute orders of the commander-in-

chief, but yet jealous of such interference as might not appear in his own view to be absolutely necessary. Washington, in the neighborhood of Philadelphia, was struggling to hold his own against the main army of the British, having for that purpose forces the most meagre and insufficient. It became, in his opinion, of nearly vital necessity that he should obtain reënforcements, and it was inevitable that they should be drawn in a great measure from the army under Gates. Yet this transfer was a task which he had special reasons to wish to see managed with no less skill than firmness. Though he was only sending orders to his subaltern, yet circumstances rendered it at least desirable that these orders should be conveyed with some degree of diplomatic skill, as well as in a manner which should show compliance to be imperatively required. General Gates had just defeated General Burgoyne, and by that brilliant achievement had made himself the idol of the people. Especially had he won the confidence of the inhabitants of the Eastern States, who were then far from feeling that enthusiastic love and reverent faith towards Washington which afterward became their firm and universal creed. Ever prone to look only to tangible results, the crowds of talkers in the towns and villages began to compare the deeds of Gates with the more difficult but less showy marching, countermarching, and skirmishing of Washington's campaign; and the more they talked, the more prone they became to doubt whether or not Gates might not, after all, be the chosen deliverer of the struggling people. If the gossips only imperfectly believed this, Gates himself, at least, was deeply convinced of it.

So, likewise, were his numerous and ambitious satellites, a scheming band, who were now busy arranging the complications of that cabal by which they hoped to substitute the hero of their own choice for the present commander-in-chief. If, therefore, the defeat of Burgoyne had diminished the opportunities for action in the region of General Gates's command, so, on the other hand, it had fired in his breast hopes equally eager and mischievous. He set his heart upon making some other distinguished stroke, and was most reluctant to see his available force, and with it his importance and his means of immediately achieving additional fame, diminished in any degree. Least of all could he endure to see his forces drawn away to the support of one who, though his superior in command, he now began to regard as his rival. As the sequel shows, he went to the very verge of insubordination and actual disobedience, before he could bring his mind to submit to such orders.

Upon the other hand, it was impossible that Washington, though ignorant of the extent of the disaffection and the unfriendly schemes, should not in some measure see and appreciate the peculiar and embarrassing nature of the situation. Little as his noble temper was given to suspicion, he could not be blind to the meaning of such a fact as the entire neglect of Gates to inform him of Burgoyne's surrender, thereby leaving him to learn it from rumor and the public prints. The condition of things was for him also further complicated by reason of his distance from the scene of operations in the north, and by the fact that it was questionable whether Sir Henry Clinton, with a large force then gathered in New York

harbor, might not, by some possible though improbable chance, move up the Hudson instead of to the southward. It was therefore necessary that a very full discretion should be given to any envoy who should be sent upon this dubious and vexatious errand.

Hamilton was selected for the business. He received written instructions from General Washington. The largest reënforcement which he was to require was twenty regiments, which were specified. But in certain possible events a large discretion was given him. If, upon meeting with General Gates, Hamilton should find that that general intended to employ the troops under his command "upon some expedition, by the prosecution of which the common cause will be more benefited than by their being sent down to reënforce this army," then said Washington, "it is not my wish to give any interruption to the plan." Singular modesty and generosity of Washington! Knowing that another success might enable the by no means reluctant Gates to supersede himself, he yet declined to exercise his authority imperiously, but left it in the power and to the judgment of a juvenile aide-de-camp to allow the southern army to remain in its present jeopardy, if thereby it appeared probable that the ambitious hero of the north would be enabled to benefit the common cause. Such was the momentous responsibility which rested upon Hamilton at the option of his commander, — scope to determine the comparative value of military plans, and to make or mar projected campaigns; authority, if his judgment should so dictate, to allow Gates to remain strong at the cost of Wash-

ington's weakness, and thereby not improbably to bring about the retirement of the latter beneath the burden of failure, and the consequent advancement of the other to the vacant post. It is seldom that a man in the position of the commander-in-chief ventures to place in the hands of another, of whatever age or experience, such a weighty charge, — involving not improbably his own reputation for all time, and almost surely the immediate welfare of the national cause. We may conceive the deep anxiety with which Washington dismissed his boy-supporter on the arduous embassy; the still deeper anxiety which beset the mind of that emissary, profoundly resolved to discharge his weighty task aright, — upon the one hand, not needlessly to imperil the fortunes of the southern army and the reputation of his beloved chief; upon the other hand, not to allow his partiality for his commander and his friend to blind him to the true needs of the northern department and the probable merits of any schemes of General Gates. That his own prospects in life might be destroyed by a blunder was, perhaps, the smallest thought in his mind.

When Hamilton arrived at the headquarters of Gates, he found himself indeed plunged into a hot caldron of difficulties, exceeding his worst anticipations. There was more evil brewing there than he or his chief knew or even suspected. All around him were the industrious laborers in the nefarious business of the still occult "Conway Cabal." Had he been in the British camp, he could hardly have been regarded with more jealous or unfriendly eyes. That the enmity was concealed only made it the more dan-

gerous. Sympathy or advice he could expect none, except such as might be given for the purpose of duping him, though the officers around him were ostensibly serving the same great cause with himself. But his shrewdness and penetration stood him in good stead. He wrote to General Washington that he had waited upon Gates immediately on his arrival at Albany, "but was sorry to find his ideas did not correspond with yours, for drawing off the number of troops you directed." Hamilton argued, but Gates remained "inflexible." Gates in his turn argued; "but the force of his reasons did by no means strike" Hamilton. Gates would only despatch one brigade, and Hamilton found himself "infinitely embarrassed and at a loss how to act. I felt the importance of strengthening you as much as possible; but on the other hand I found insuperable inconveniences in acting diametrically opposite to the opinion of a gentleman whose successes have raised him to the highest importance." Finally, Hamilton resolved to rest content with one brigade, which Gates agreed to spare. He was moved to this partly by considerations of policy; because Gates enjoyed at the moment such consideration and influence with the public, and appeared so willing to use these to Washington's disadvantage, that any mishap which might possibly occur and might appear attributable to the withdrawal of the troops "would be too fair a pretext for censure." Such a pretext the devoted aide-de-camp had no notion of furnishing if it could be avoided. Furthermore, on his way northward he had met and despatched some other unexpected reënforcements to the army in Pennsylvania, which together with the

one brigade would recruit it nearly to the numbers anticipated by General Washington.

But his vexations were by no means thus quickly brought to a close. General Gates undertook to serve him a very contemptible trick, being nothing else, indeed, than the selection of the smallest brigade in his army; one which was so depleted that the increase of numbers which it brought was almost utterly insignificant. It did "not consist of more than about *six hundred* regulars fit for duty, with a militia regiment two hundred strong, whose time of service would expire about simultaneously with their arrival at Washington's camp." Justly incensed at this conduct, Hamilton thought that it was time to use the real power vested in him. He wrote to Gates a letter couched in language so peremptory, that at last that gentleman was in some degree moved to a sense of his just relationship towards his commander-in-chief, and brought himself to the point of resolving to send a second brigade of greater strength, in addition to the feeble one already under orders to march. This was satisfactory. Thus having with infinite difficulty apparently achieved his purpose and yet avoided any explosion of temper, though all the ground beneath his feet was undermined and heated with glowing fires of jealousy and insubordination, Hamilton turned to retrace his journey southward.

But the encouraging appearances were deceptive; his grievances were not even now wholly at an end. When he came to New Windsor, he found that the troops in that neighborhood, which on his way to Albany he had ordered to move to Pennsylvania with all despatch, had not yet started, nor did there seem

to be any immediate prospect that they would start. In part this was due to the ill disposition of General Putnam; in part to the mutinous condition of some of the troops, who, not having been paid for eight or nine months, had become disorderly, and had even gone so far as to shoot one of their captains. Moreover, there was an ambitious plan lurking in the brains of the principal officers in the northern department, having due regard to their own glory, to recover possession of New York City. They would rather do this than reënforce Washington. The scheme was scouted by Hamilton as a "suicidal parade," and he sent an order "in the most emphatical terms" to General Putnam, immediately to despatch his continental troops to Washington.

Two days later, at Fishkill, Hamilton gathered such information of the movements of the enemy at New York as to show that heavy reënforcements had gone from there to General Howe, and that in consequence of this General Washington with his scanty force must be placed in a situation of extreme peril. Again he wrote to Gates, conveying this information, and exhorting him to forward more troops.

This was his last step in the prosecution of one of the most delicate and difficult tasks which fell to the lot of any officer in the Revolutionary War. He had substantially accomplished the purpose of reënforcing General Washington to as great an extent as could reasonably be expected. He had wrested the reënforcements from generals so reluctant, that, had they been in the secret pay of Great Britain, they could hardly, without betraying the fact, have opposed more obstacles, active and passive, to the per-

formance of the acts required of them. Yet so skilfully had he done this, with persistence but without arbitrariness, that, whatever wrath and indignation might have been boiling beneath, none found its way to the surface. Strict decorum prevailed, and any thing like a public expression of disagreement, with all its attendant mischief direct and indirect, was happily avoided. For his reward, the aide-de-camp had the satisfaction of receiving the unqualified approbation of his commander. "I approve entirely of all the steps you have taken," wrote Washington to him; "and have only to wish that the exertions of those you have had to deal with had kept pace with your zeal and good intentions." But the physical — and much more we may believe the mental — toil and harassment had been more than Hamilton's constitution could bear. During several days before the completion of the business he had been suffering under an attack of fever and "violent rheumatic pains;" and, when the task came to an end, he was obliged to succumb and to allow overtaxed nature to avenge herself by a sharp attack of illness.

In the autumn of 1779, Colonel Hamilton was again selected for a mission of nearly equal military importance but less fortunate result. Count d'Estaing, with a French fleet and troops, arrived off the coast. It was essential that allies so distinguished, who were doing so much for us, and were expected to do so much more, should be received with the highest degree of courtesy and consideration. It was further necessary to concert with them the military measures in which the American army and the French war vessels and land forces could most effectively coöperate.

A personal meeting between the count and General Washington, then having his headquarters at West Point, was impracticable. Accordingly, Hamilton and the French General du Portail were despatched to represent the commander-in-chief. The scheme which Washington hoped might be consummated was nothing less than an investment of the city of New York. Divers circumstances combined to render the present moment especially auspicious for this undertaking, and Washington felt an unusual anxiety to see it vigorously entered upon. If the Frenchman would engage to employ his whole naval and land force against the British fleet and army at New York, till the winter should be so far advanced as to render it impracticable to retain the vessels longer in port, General Washington proposed upon his part to "bring twenty-five thousand effective men into the field," and to "exert all the resources of the country in a vigorous and decided coöperation." Of this important scope was the business which the envoys had in charge; and beyond this, also, the authority conferred upon them was almost unlimited. The commander-in-chief, in fact, put his army and himself at their disposition for the purpose of making any arrangement with the allies which should seem to them good. But it was to no purpose that the plenipotentiaries did their best to set in motion the project against New York; or if this might not be, then to devise some other movement of importance adequate to the opportunity. They remained with the count for some time, warmly and incessantly urging him to adopt some decided and active measures. But he had a singular gift of abstaining from ever coming to

a determination upon any proposition. "His planet could not be trusted." He wavered and hesitated; tried the patience and the temper of the emissaries, and finally, having thus frittered away the season for action, early in November he weighed anchor and went back again to France; having achieved an exploit strikingly similar to that of the famous king who, with thirty thousand men, marched up a hill and then marched down again. Hamilton and du Portail, justly disgusted, returned to the American camp.

In the unhappy affair of André, Colonel Hamilton played a somewhat conspicuous part. Shortly before the moment when Arnold's treason was discovered, General Washington had embarked for West Point. Hamilton, who happened to have remained behind, instantly upon receipt of the tidings galloped, with McHenry, in hot haste in pursuit of the traitor. But it was much too late to overtake him, and by the time the pursuers had come to the river bank the fugitive was already safely ensconced in the cabin of the British war-vessel, "Vulture."

Hamilton writes that he "could hardly regret the disappointment" of his bootless errand when, on his return, he "saw an amiable woman, frantic with distress for the loss of a husband she tenderly loved." He did all in his power to alleviate the misery of the deserted wife; "though," he wrote, "you may imagine she is not easily to be consoled. . . . Her sufferings were so eloquent that I wished myself her brother, to have a right to become her defender. As it is, I have entreated her to enable me to give her proofs of my friendship." Could he forgive Arnold, he adds, for sacrificing his honor, reputation,

and duty, he at least could never forgive him for "acting a part that must have forfeited the esteem of so fine a woman." This additional element of heartlessness, collateral to the blackness of the treason itself, may be forgotten in the business-like pages of history, which preserve only the public aspect of events; but it made a deep impression upon the mind and heart of Hamilton, and his sketch of the conduct and appearance of Mrs. Arnold is affecting to the last degree.

In the fate of André himself, Colonel Hamilton took a lively interest. The youth and accomplishments, the daring spirit and the devotion of the gallant and ill-starred British officer appealed with exceptional force to his warm heart and chivalrous temper. Precisely how far he felt that he had a right to go in behalf of the prisoner, especially in urging the commutation of his sentence from hanging to shooting, cannot be definitely known. But that he exerted himself, so far as he conceived it to be proper for him to interfere, is certain. "He was daily searching some way to save him," says Lafayette. But this was of course impossible, and Hamilton himself felt that it was so. In his minute and careful narrative of the entire transaction, he said: "Never, perhaps, did any man suffer death with more justice, or deserve it less," — a very accurate exposition of the true nature of this singular case. The "frivolous plea," ridiculed by André himself but urged by Sir Henry Clinton and others, to the effect that André "came out under the protection of a flag, with a passport from a general officer in actual service," is conclusively answered in this same paper. A purely technical defence was

shown to be even technically imperfect. "The fact was, that besides the time, manner, object of the interview, change of dress and other circumstances, there was not a single formality customary with flags; and the passport was not to Major André but to Mr. Anderson. But had there been, on the contrary, all the formalities, it would be an abuse of language to say that the sanction of a flag, for corrupting an officer to betray his trust, ought to be respected. So unjustifiable a purpose would not only destroy its validity but make it an aggravation. There was in truth no way of saving him. Arnold or he must have been the victim: the former was out of our power." It was indeed imagined by some that Clinton might be induced to give up Arnold in exchange for André, and a gentleman proposed to the prisoner to suggest this expedient. But André declined to do so. "The moment he had been capable of so much frailty," says Hamilton, "I should have ceased to esteem him."

Hamilton's own feelings concerning the question of the mode of execution are expressed in the following letter written to Miss Schuyler: —

TAPPAN, Oct. 2, 1780.

Poor André suffers to-day. Every thing that is amiable in virtue, in fortitude, in delicate sentiment and accomplished manners, pleads for him; but hard-hearted policy calls for a sacrifice. He must die ——. . . . I urged a compliance with André's request to be shot, and I do not think it would have had an ill effect; but some people are only sensible to motives of policy, and sometimes, from a narrow disposition, mistake it.

When André's tale comes to be told, and present resentment is over, the refusing him the privilege of choosing the manner of his death will be branded with too much obstinacy.

It was proposed to me to suggest to him the idea of an exchange for Arnold; but I knew I should have forfeited his esteem by doing it, and therefore declined it. As a man of honor, he could not but reject it; and I would not for the world have proposed to him a thing which must have placed me in the unamiable light of supposing him capable of meanness, or of not feeling myself the impropriety of the measure. I confess to you I had the weakness to value the esteem of a dying man, because I reverenced his merit.

Four years, within less than a fortnight, did Hamilton remain upon the staff of General Washington. Then in February, 1781, occurred an event which put a sudden and final end to the relationship. No better or more authentic account remains than that given by Hamilton himself, in a letter written to General Schuyler, as follows: —

HEAD-QUARTERS, NEW WINDSOR, Feb. 18, 1781.

MY DEAR SIR, — Since I had the pleasure of writing to you last, an unexpected change has taken place in my situation. I am no longer a member of the General's family. . . . Two days ago the General and I passed each other on the stairs. He told me he wanted to speak to me. I answered that I would wait upon him immediately. I went below, and delivered Mr. Tilghman a letter to be sent to the Commissary, containing an order of a pressing and interesting nature. Returning to the General, I was stopped on the way by the Marquis de Lafayette, and we conversed together for about a minute on a matter of business. He can testify how impatient I was to get back, and that I left him in a manner, which, but for an intimacy, would have been more than abrupt. Instead of finding the General, as is usual, in his room, I met him at the head of the stairs, where, accosting me in an angry tone, "Colonel Hamilton," said he, "you have kept me waiting at the head of the stairs these ten minutes. I must tell you, Sir, you treat me with disrespect." I replied without petulancy, but with decision, "I am not conscious of it, Sir; but since you have thought it necessary to tell me so, we part." "Very well, Sir," said he, "if it be

your choice," or something to this effect, and we separated. I sincerely believe my absence, which gave so much umbrage, did not last two minutes.

This simple and straightforward account, though written in a private letter by one of the parties to the transaction, appears to be strictly accurate and trustworthy. At the time several different reports were circulated, but none of them have survived or gained credence in preference to the foregoing. The whole affair has received an undue and factitious importance, growing out of eager discussions as to which of the parties was in the wrong. Many foolish surmises, concerning hidden motives upon the one side or the other, have been made, many suppositions have been hazarded, totally unfounded at least in any known facts. The simplest explanation is probably the most correct, and leaves no very grave imputation to rest upon either gentleman. The precise number of minutes that Hamilton was gone, if not perfectly certain, is also immaterial. That Washington spoke irritably may be safely assumed; it is not by any means out of keeping with his character; he is known to have been liable to occasional outbursts of ill-temper, vehement in proportion to their rarity; and unless there had been anger in his tone, it would have been a total impossibility for Hamilton to have replied as he did. Indeed, what may be regarded as irrefragable proof of this fact is furnished by the general's own conduct afterward. In less than an hour he had sent his aide, Tilghman, to Hamilton, to assure him of his "great confidenee" in his "abilities, integrity, usefulness, etc.," and to express his desire, "in a candid conversation, to heal a difference which could

not have happened but in a moment of passion." Had Washington been conscious that he himself had done no more than utter a well-merited rebuke in a civil manner, to which he had received an angry, and, under such circumstances, even an unreasonable and insolent rejoinder, this mission of Tilghman would never have occurred. Still more, after the request preferred by Tilghman had been refused by Hamilton, it would have been impossible that a breach should have been avoided, if General Washington had felt himself wholly and unquestionably in the right. Yet the request was thus refused, and no such breach took place. There is no reason whatsoever to suppose, either that Washington harbored even a temporary resentment, or that his high opinion of Hamilton's character was in any degree lowered by these events. In his farewell address to Congress, on retiring from the post of commander-in-chief, he took pains to say, — perhaps in reference to this very matter, — that "it was impossible the choice of confidential officers to compose my family should have been more fortunate." But long before these emphatic words were pronounced, the re-establishment of the *entente cordiale* was known to everybody.

It remains only to consider Hamilton's conduct. Was it or was it not a sign of an obstinate and evil disposition in him, that he declined the proffered explanation and reconciliation? His reply to the general upon the staircase sounds sudden and impetuous. Yet it was not necessarily passionate, and seems to have been only the prompt expression of a feeling long pent up in his bosom. Some degree of

brusqueness he may have been surprised into, but the idea which he uttered he had long entertained. It was with no small degree of reluctance that he had accepted the position of aide-de-camp; for he had eagerly desired opportunities to distinguish himself in some independent command. This feeling had never been eradicated in the four years which he had spent in the general's family. Only three months before this occurrence, we find him earnestly supplicating to be allowed to seize what he thought an opportunity for personal distinction. It may be assumed, then, that he was anxious to leave the staff. Indeed, we have his own word for this, in the letter above quoted to General Schuyler: "It has been often with great difficulty that I have prevailed upon myself not to renounce" the position, he writes; and further says that it was "from motives of public utility" that he had refrained from doing so. It would have been no easy matter to have supplied the vacancy which would be left by his withdrawal, not only on the score of his rare capacity, but because he had so thoroughly learned the business appurtenant to the place, and because, between himself and the commander-in-chief, there had been established such a thorough good understanding. Yet here, in a moment, was presented to him the opportunity of release upon grounds leaving him altogether free from the blame of abandoning, from selfish motives, the work which he could do so well. He hastily snatched at it. The unwelcome bond once broken was not, by his consent, to be made whole again. It was no lingering resentment, then, which led him to decline to join in the "candid con-

versation." Any such idea he most carefully repudiated, and put his resolve to leave the military family fairly and clearly upon his established dislike of the position.

The affair was one which both the parties to it wished to remove so far as possible from the reach of gossip and of public criticism. They manifested a plain and strong desire to have nothing said or known about it. They seem never, save once afterward, to have referred to it between themselves. A disagreeable matter had been done quickly and decisively; having been done, 'twere well that it should be forgotten, or at least never refreshed by mention. It is a pity that history should not have been equally wise and forbearing. But enemies of each party, — more especially of Hamilton, — have wasted much ingenuity and malice in their long comments and treatises, thereby rendering a more just discussion necessary. Yet it is a barren and fruitless, as well as a disagreeable, field of inquiry. May not two men disagree, and neither be substantially blameworthy?

Colonel Hamilton now at last conceived himself to be in a position in which he could reasonably expect to attain the object of his ambition, — an independent command. A resolve of Congress gave him the full rank of lieutenant-colonel in the United States army, relating back to March 1, 1777, when he had been received upon the staff. Had he continued in the line as he had begun, he would, in the natural course of events, have been much more advanced. Forthwith he wrote to Washington, calling his attention to these facts, suggesting that he might properly

be given a command in a light corps, and begging earnestly for some worthy employment. Washington, in reply, expressed his embarrassment at the request, which he could not grant yet was loath to refuse. He feared to excite the discontent and jealousy of senior officers, who had already, in one or two somewhat similar cases, expressed a good deal of indignation. In the closing sentence of his letter, he referred to the recent separation, — and this is that single reference to it which has been before alluded to: "My principal concern," he wrote, "arises from an apprehension that you will impute my refusal of your request to other motives than those I have expressed, but I beg you to be assured, I am only influenced by the reasons which I have mentioned." Hamilton was deeply disappointed. He wrote a long reply to Washington, setting forth elaborately the grounds upon which he conceived himself fairly entitled to the position which he sought, and drawing distinctions between his own case and those cases which had previously caused trouble and ill-will. But he expressed his willingness to yield to any inevitable necessity which the commander-in-chief might see in the case. He concluded with the assurance that he was too well persuaded of the candor of the general to attribute his refusal to any other cause than an apprehension of the inconveniences that might attend the appointment.

In the spring or early summer following, not fancying his idle and nondescript position, he wrote a letter to General Washington enclosing his commission. But Tilghman again came on a mission to urge him to change his mind, and as an inducement

held out hopes to him that he might soon have a "command, nearly such" as he could desire "in the present circumstances of the army." It was evident that if a friendly footing had been briefly lost, it was already fully restored between himself and Washington. The kindly message cheered his anticipations, and he allowed his old friend and fellow-aide to prevail upon him to withdraw his resignation.

At this time the army was in camp near Dobbs' Ferry, on the Hudson, and there was every prospect of immediate and active operations on a grand scale. The project under consideration, and nearly matured, was an attack upon the city of New York. But the news that Admiral de Grasse, with a French squadron, was fast approaching the Virginia coast led to a sudden change of plans. The southern campaign, resulting in the capture of Cornwallis and the virtual conclusion of the war, was conceived, determined upon, and carried out with singular celerity and success. By great care and the assistance of a clever *ruse*, the enemy were completely deceived as to the purpose of the Americans. The army came safely into Virginia without interruption. Washington and De Grasse met and arranged their plans. Cornwallis was caught in a *cul-de-sac* on the promontory of Yorktown, and the lines of the American army closed the mouth of the bag.

Hamilton was present in command of a corps of light infantry, attached to the division of Lafayette. On October 6, the first parallel was opened within six hundred yards of the enemy, and Hamilton moved his troops into it. On the eleventh of the same month, the second parallel was opened within three hundred

and sixty yards. The result could no longer be doubted; but there was some fighting to be done before it could be secured. Two detached redoubts, in an advanced position upon the left of the British forces, enfiladed the American entrenchments. It became obvious that these must be taken; and accordingly a heavy fire was opened upon them until they were deemed practicable to an assault. It was then arranged that one of them should be assailed by the French, the other by the Americans. The day named was October 14, which was Hamilton's regular turn for duty. But upon the ground that the light infantry which had made the Virginian campaign might be supposed to be entitled to precedence, Washington intended to allow Colonel Barber to lead the attack. Hamilton's spirit was immediately aroused, when this scheme was reported to him. Without a moment's delay he hastened to headquarters, warmly urged his right to the honorable and dangerous task, gained his point, and returned in a state of exuberant satisfaction, exclaiming to his major, "We have it! we have it!"

The signal for the attack having been given by the discharge of a shell, Hamilton ordered an advance at the point of the bayonet; and dashing forward himself in front of his men, he clambered over the abattis to the parapet, and sprang down into the ditch. The troops pressed after him, not firing a shot, but with bayonets fixed. For a moment they lost sight of him, and thought he was killed. But forthwith he appeared, forming them, and giving his orders. So impetuous had been his onslaught, that in nine minutes after the abattis was passed the redoubt had

been carried, and that too by the bayonet alone without the discharge of a single musket. The brilliant feat called forth not only the eager praises of the generous Lafayette, but the high encomiums of Washington himself. "Few cases," said he, "have exhibited greater proof of intrepidity, coolness, and firmness than were shown on this occasion."

Some foolish stories were afterward set afloat, especially by Dr. Gordon, in connection with this affair. The British troops had shortly before committed, or were believed to have committed, some cold-blooded and unsoldierly atrocities. The Marquis de Lafayette, it was said, asked leave to retaliate, and his request, if not directly granted, was at least not refused by Washington. It was said to be due to the influence of Hamilton, exerted on the spot, that a cruel slaughter did not take place. In a letter written to the New York "Evening Post," August 10, 1802, Hamilton declined to be "complimented at the expense of Generals Washington and Lafayette," and declared the whole tale to be false. The only foundation for it, if foundation it may be called, lay in the following simple circumstance. A few days before, the American Colonel Scammel, while reconnoitring, was surprised by a party of horse, taken prisoner, and afterward wantonly and fatally wounded. When the British Colonel Campbell came forward to surrender the redoubt, a captain who had served under Colonel Scammel made an effort to thrust a bayonet into the English officer's breast. Hamilton struck the weapon aside, and Campbell was saved.

The simple and modest note in which Hamilton conveyed the news of this exploit to his wife deserves

to be reproduced. "Two nights ago," he wrote, "my duty and my honor obliged me to take a step in which your happiness was too much risked. I commanded an attack upon one of the enemy's redoubts; we carried it in an instant and with little loss. You will see the particulars in the Philadelphia papers. There will be, certainly, nothing more of this kind; and, if there should be another occasion, it will not fall to my turn to execute it."

He now returned home on furlough. In fact his military career was ended. It became evident that the war itself was near its close; he had a wife and child dependent upon his labors; and he was anxious to prepare himself for practice in the profession of the law. Still, so long as there was any chance that his services as a soldier might again be needed, he was loath finally to sever his connections with the army. He accordingly wrote to General Washington, stating his feelings in this regard and his wish to be allowed to retain his commission a little longer, till such time as it should be certain that the fighting was really over. But though needing his just earnings for the support of himself and his family, — for he had declined liberal offers of assistance from General Schuyler, — he twice in the most explicit manner renounced all claim to any pay or emoluments as an army officer for the time of his absence. It was not long, however, before affairs took such a turn that he felt himself free to resign finally and in due form, there being no possibility of further demand for his services.

That Hamilton was intended by nature for a great soldier has often been asserted, I think, with too

exclusive stress. That, if opportunity had offered, he could have achieved the highest military glory may be regarded as certain; that he found such glory very attractive is also true. But that he was at least as well fitted to be a statesman as a soldier cannot be controverted by any person familiar with his works and his character. Statesmanship was his first attribute; arms were secondary. Had his life been passed amid camps and in times of war, he would have made a distinguished general; if aided by a tolerable degree of that good fortune which enters so largely into warfare, he might have ranked even among the few great captains of the world. But while admiring his success, the world would have had to contemplate with sorrow the spectacle of a man using chiefly only the second-best qualities of his mind, developing faculties which though very great were yet inferior to others which were held in comparative abeyance. Nor can it be doubted that he himself, at least after the first eager flush of youth had passed away, would have been conscious that he was gifted with an aptitude for higher things, and with the power to win a more honorable fame. To have stopped short with the reputation of an able strategist, to have lived in history only as the victor of many stricken fields, would have brought to him the keen disappointment attendant upon a consciousness of unused powers; nor would the people of the United States have felt the misfortune less nearly. Mankind cannot afford to have intellects such as his devoted solely or even chiefly to the wretched arts of destruction. Already while in active service on the staff of Washington, he had felt the inclination and

had found the time to study those topics of finance and government of which he afterward became so great a master. The tents of the troops around him were far from forming his horizon. They did not even fill his mind during the passing days of the campaign. Far beyond them his vision wandered, and his thoughts were busy in a nobler and wider sphere of usefulness wherein he already knew that his duty in life would be found.

Yet it is not without cause that Hamilton's soldierly traits have been dwelt upon with high praise. He was undoubtedly fond of the profession of arms. His was the common case of a man who selects as his calling in life that pursuit for which he knows himself to be prœminently fitted, and by his success proves the soundness of his choice; but, as secondary and collateral to this, cultivates some strong natural taste, and reaches therein such a degree of excellence, that the world, in its admiration of the *πάρεργον*, sometimes mistakenly thinks that it should have been the *ἔργον* itself, and that the hero has mistaken his own powers and function in life. But it is not often that the real hero falls into such an error. There is a trustworthy and saving instinct within him. There was much that was attractive to the mind and temper of Hamilton in the ingredients of military success. His brilliant genius, as it was peculiarly fitted to achieve, so was especially addicted to admire, a thorough and finished result. To labor for the attainment of a certain definite end; to bend all his energies to it, and to obtain a definite, tangible, and brilliant conclusion, — such as the capture of a town, or the defeat of an army, — would have ap-

peared exceedingly fascinating to his vigorous spirit; and he would have keenly appreciated the pleasure of seeing the ripe fruits of his ardent toil and the clear proofs that his earnest expenditure of force had been neither insufficient nor misapplied. Achievement was his function in life; and nowhere is achievement more sharply and unmistakably marked than in active warfare. A ready invention, a fertility in resources, an ingenuity never at fault, were distinguishing traits of Hamilton. Reverses he bore with singular cheerfulness. Not so sanguine as to become rash, he was yet of so hopeful a temper that his courage never was broken. His spirit never failed him; his equanimity was never perturbed. Thus it happened that he always had his faculties at command and in their best condition, neither over-heated nor unduly depressed. His views were not distorted, and his action was therefore wise. It has been already remarked how frequently and strongly this peculiarity was manifested in the Revolution. There was none other who, like him, could pluck the flower hope from the nettle jeopardy.

He had, in a rare degree, the power of command. It was matter of instinct with men to obey him. Those of age much greater than his own, and of experience incomparably more extensive, recognized his natural superiority, and yielded to him a deference which they would have reluctantly shown to each other. His power of winning personal attachment to himself made all such obedience easy and agreeable to those who manifested it. Had he been the commander of an army, it is certain that whatever had been done for him by officers or men would have

been done with that heartiness which gives to the labor double its wonted effectiveness. His orders would have been carried out with that energy and success which always attend duties performed under the impulse of affection and with the sense of confidence. Discipline in his camp, from the highest to the lowest, must have been of the best kind; thorough, yet animated by a warm, vital spirit.

As a tactician and strategist, it is difficult to bring actual proof of the extent of his power. To his own great regret, he never had the opportunity to create such proof. But it is well known that he was constantly and confidentially consulted by Washington concerning all the campaigns and movements of the Revolution; and the Revolution was eminently a war of manœuvres. Beyond this, we have the evidence furnished by his correspondence. He often ventured to predict, nor are his predictions often erroneous. Even with the slender experience which he had at the time of Burgoyne's expedition, we find him appreciating fully the military situation.

The fall of Philadelphia he foretold as probable, since it could only be prevented by a general engagement which could not prudently be risked. The system upon which the war was necessarily to be conducted was early seen and stated by him. "It may be asked, If, to avoid a general engagement, we give up objects of the first importance, what is to hinder the enemy from carrying every important point, and ruining us? My answer is, that our hopes are not placed in any particular city, or spot of ground, but in the preserving a good army furnished with proper necessaries, to take advantage of favor-

able opportunities, and waste and defeat the enemy by piecemeal. Every new post they take requires a new division of their forces, and enables us to strike with our united force against a part of theirs ; and such is their present situation, that another Trenton affair will amount to a complete victory on our part," &c.

It was in some measure owing to Hamilton's keen criticism of the blunders committed by Gates, and thorough exposure of his gross incompetence, if not actual personal cowardice, that he was fortunately displaced. The same shrewd observer earnestly pressed that the gallant and accomplished soldier, General Greene, should be put in the vacant command. "If he is changed, for God's sake overcome prejudice, and send Greene. You know my opinion of him. I stake my reputation on the event, give him but fair play."

In this connection, it is appropriate to mention one military scheme of Hamilton's, in itself sufficiently interesting, and which is rendered even more so by subsequent events in the national history. This was his plan for raising levies of negro troops in the South. He thoroughly considered the matter, became convinced that it was practicable, and urged it with much warmth and eagerness. His friend Laurens, whose judgment upon such a question was especially valuable, seconded his endeavors, and was ready to command the black battalions. But there were obstacles of prejudice and interest in the way, which it was impossible for the aide-de-camp to overcome by such labor as it was in his power to apply in the cause. In a long letter to the President of Congress, dated March 14, 1779, concerning this subject,

he declared the expedient to be "the most rational that can be adopted. . . . I have not the least doubt that the negroes will make very excellent soldiers, with proper management. . . . The contempt we have been taught to entertain for the blacks makes us fancy many things that are founded neither in reason nor experience. . . . An essential part of the plan is, to give them their freedom with their swords. This will secure their fidelity, animate their courage, and, I believe, will have a good influence upon those who remain, by opening a door to their emancipation. This circumstance, I confess, has no small weight in inducing me to wish the success of the project; for the dictates of humanity and true policy equally interest me in favor of this class of men. . . . The troops . . . must be officered in the best possible manner." But Hamilton was far in advance of the ideas and the liberality of his age. More than two generations passed, even in this age and country of rapid intellectual progress, before it was possible, and even then in the face of a great outcry, to test and prove the soundness of his belief in the soldierly capacity of the African race.

CHAPTER III.

THE LAW.

MENTION has been made of Hamilton's wife and child. To avoid breaking the continuity of the narration of his military career, the event of his marriage has not been previously stated. It took place on the 14th day of December, 1780, when he espoused Elizabeth, second daughter of General Philip Schuyler. He had made the acquaintance during his famous mission to Gates, which might have seemed less intolerable could this result have been then foreknown. But it was not until subsequently, in the spring of 1780, when General Washington and many of his officers brought their families to the camp at Morristown, that the acquaintance ripened into intimacy and love. His reception by the family of the bride was as warm as he could have desired. They had no other feeling than that of pleasure in the acquisition of so agreeable and promising a relative. General Schuyler wrote to him most affectionately: "You cannot, my dear sir, be more happy at the connection you have made with my family, than I am. Until the child of a parent has made a judicious choice, his heart is in continual anxiety; but this anxiety was removed the moment

I discovered it was you on whom she placed her affections. . . . I shall . . . only entreat you to consider me as one who wishes, in every way, to promote your happiness," &c.

It has pleased some writers to insinuate that this marriage was singularly fortunate for Hamilton in a worldly point of view; that the position of his bride, as the member of a distinguished, rich, and influential family, was, both socially and in other respects, above what he could have expected to aspire to. The notion is simply absurd. Hamilton, though without property or family connections in the States, was very far from owing to his marriage either his first firm and assured foothold in social estimation, or his prospects of a successful career. The language of the letter just cited is conclusive, at least upon the former point, even if his personal friendship with General Washington and others of the leading gentlemen in the country could leave such testimony necessary. For the matter of money, though he had no accumulated stores, yet his capacity to earn it in abundance was sufficiently manifest.

From time to time, General Schuyler made to the young couple the most liberal offers of pecuniary assistance, which might have been at least temporarily accepted without any sacrifice of independence or of a proper pride, for the reason that the pay of the officers of the army was so scandalously in arrears as to leave it no easy thing for them to meet the expenses of the simplest scale of living. But kindly and freely as these offers were made, Hamilton's spirit made him unwilling to avail himself of them. Not ungraciously, but as delicately as they were made,

they were refused. He felt himself able to take care of his own household; he was resolved to do so, and he did so from the earliest days of his wedded life. But it may be conceived that to remain an unpaid colonel of the confederation was not a prospect especially gratifying to one who had assumed such responsibilities, and who felt that he had an honorable position to maintain in the eyes of the world and of society. Thus it was that, when really active service no longer required his actual presence in the field, he hastened to devote his time to the study of the profession of the law. This he had singled out for himself, undeterred by the discouraging representations of some among his friends as to the long preparation and weary waiting for business which might be reasonably anticipated. He had an inward instinct in the matter; and it is probable that in the secrecy of his own soul he contemplated no slow journey, by moderate stages, towards either knowledge or success.

Those who have studied the science of the law, knowing how vast is the field, are naturally incredulous when they hear of ambitious young men fitting themselves for practice in brief periods of preparation. But to the most rigid general rules there is ever appended a list of exceptions. It was about the month of March, 1782, when Hamilton came from Philadelphia, took a house in Albany, and began the study of his profession, with the assistance and instruction of his old friend of army days, Colonel Troup, whom he had invited to share his house with him. In the following July he was admitted as an attorney. If it should be urged by legal martinets that four months are inadequate for the most brilliant genius

to perform such a feat with any degree of thoroughness, it can only be answered that tangible proof exists to make even this incredible story credible. Before he had been thus admitted to the learned brotherhood, Hamilton had already composed a manual on the practice of the law, so excellent that it "served as an instructive grammar to future students, and became the groundwork of subsequent enlarged practical treatises." So valuable was it, indeed, that some lawyers of New York were actually at the pains to copy it out, and even by so laborious a means to secure it in manuscript as a guide in their practice.

Hamilton's legal career was very near being further indefinitely postponed by his engagement in the public service abroad. Toward the close of the year 1780, it became evident that no pains must be spared to secure another loan from France. Hamilton, keenly appreciating this necessity, insisted in his correspondence that a special envoy should be sent, charged specifically with the duty of this solicitation. His scheme was to send the Marquis de Lafayette, whose personal and family influence might essentially forward the negotiation. In the progress of discussion, other persons suggested that it might be desirable that Hamilton should be joined with Lafayette in the mission. But the proposition thus to dispose of his time was by no means to the taste of the active Frenchman. He did not at all approve of a plan for sending him home to beg for money, when he had come over to the States in the expectation of being concerned in the more glorious and exciting occupation of warfare. He therefore was very anxious to transfer the business to the sole charge of his friend, now desig-

nated as his comrade. It seemed not improbable that this project would finally prevail, and the marquis wrote to Hamilton, promising all sorts of delightful introductory letters, social and political. It would hardly have been possible to have entered Paris under more favorable auspices.

The fascinating prospect might have been made a reality had Hamilton so willed it. But it unfortunately so befell that what he regarded as the imperative demand of a generous friendship obliged him to decline the position. The father of his friend Laurens, a distinguished patriot, who had been President of Congress, and was afterward despatched as a commissioner to negotiate a treaty with the United Provinces, was captured upon his voyage thither by a British cruiser, carried into England, and confined in the tower. This untoward event rendered it desirable for Colonel Laurens to go abroad, where, being nearer to his father, he might succeed in exercising some influence upon his fate. Hamilton thereupon at once declined to stand as a candidate for the embassy, withdrawing in favor of his friend. Laurens, not to be outdone in generosity, refused to accept the sacrifice, and asserted his confidence that his father's fortunes would be as ably and as faithfully looked after by Hamilton as by himself. But Hamilton persisted. Laurens at last yielded; and Congress, which appears to have patiently awaited the result of this friendly contention, being notified that Laurens would accept, unanimously conferred upon him the position. To this noble act of friendship it was due that Hamilton lived and died without having set foot on the shores of Europe, — no slight loss to such a man. The confi-

dence reposed in him was shown by the fact, that to him was delegated the task of drawing up a special letter of instructions, addressed to Laurens in the name of General Washington, and supplementary to the regular instructions issued by Congress. This document, showing a thorough and admirable comprehension of the pressing need which the mission was to satisfy, and of the skilful manner in which that need should be presented to the consideration of the French ministry, is preserved in his works.

The financial embarrassments of the country early attracted the anxious attention of Hamilton. It must have been a very strong native taste, which, in the second year of his life as an aide-de-camp, induced him amid all the distraction and multiplicity of his other employments to devote much study to a subject always so dry and arduous, and in this especial instance also sufficiently unpromising to have discouraged an experienced financier. Successful financiering under cheerful auspices is attractive to able minds, but the management of our Revolutionary finances might have reduced King Midas to absolute despair. Confusion and ruin filled up the prospect, near and remote. For a long time, no officer had charge of the fiscal affairs of the Confederation. Congress had been trying to conduct them, and had succeeded in producing a condition of things which long since would have seemed to be as bad as possible, had it not, by growing daily worse, continued to develop unsuspected vistas of difficulty. To Robert Morris, then a member of Congress, and the only one who had displayed any moderate degree of financial knowledge or ability, Hamilton finally addressed a

long letter embodying his views of the possible course of extrication. With what modesty these suggestions were offered may be inferred, not only from the expressions of diffidence contained in the letter, but from the fact that it was sent anonymously. If further explanations or developments should be desired, it was said that "a letter directed to James Montague, Esquire, lodged in the post-office in Morristown, would be a safe channel of any communications." The points urged in this letter may be briefly stated as follows: First, The issue of paper money could not have been averted by Congress by reason of the actual deficiency of a sufficient supply of hard money in the country. Second, The only way to absorb and retire this paper was by obtaining more real money; and more real money could be obtained by the Confederation only in the manner in which the "most opulent states of Europe, in a war of any duration," were accustomed to supply themselves; that is to say, by a foreign loan.

The use to which the proceeds of such a loan, already in actual contemplation, should be put was a much-vexed question. The gross deficiency of financial experience then at the service of the States may be judged from the fact that of two plans proposed, one was "to purchase up at once, in specie, or sterling bills, all superfluous paper;" and that it was left to this young soldier of twenty-three years of age to explode the foolish scheme, and expose its short-sighted nature. The other plan, poor enough, though "incomparably better than the former," was to convert the loan into merchandise, and import it on public account.' The results which might be anticipated

from this scheme, its few advantages and many objections, were fully discussed, and the plan decisively condemned by Hamilton. But inasmuch as the letter was not written for the sole purpose of finding fault without offering suggestions, a proposition was brought forward, which ever afterward remained a favorite with the writer in his maturer years. "The plan I would propose," he said, "is that of an American Bank, instituted by authority of Congress for ten years, under the denomination of the Bank of the United States." The foreign loan, supposing it "to amount to two millions of pounds sterling," would form a solid back-bone of capital in good actual funds. The government should share half the whole stock and profits of the Bank; and the Bank should furnish Congress with an annual loan of two millions sterling, if they should have occasion for it, at four per cent interest. An arrangement was also made by which the Bank would by degrees absorb the paper circulation. These were only some of the features; but it is not worth while to insert here the full and elaborate sketch of a scheme which was not carried into execution. As one of its great advantages, Hamilton believed that it might help to preserve the currency by making it the immediate interest of the moneyed men to coöperate with government in its support. Much other good also he pointed out as likely to accrue, and apparently with sound and sufficient reasons for his expectations. Yet he escapes the charge of being a sanguine and visionary concocter of theories, for he frankly says: "I do not believe that the advantages will be so great in fact, as they seem to be in speculation. They will be lim-

ited" by the operation of various causes which he proceeds coolly and fairly to point out.

Whether Mr. Morris ever knew who was his anonymous correspondent does not appear. Nor were the merits of the plan tested at the time by trial. In the absence of intervention by any *Deus ex machina*, affairs which seemed to have reached a climax of ill continued to grow marvellously worse. Congress was at last driven to take one sensible step, and in 1781 they created the post of Superintendent of Finance, and appointed Robert Morris to fill it. He had sufficient patriotism to accept, gloomy as the prospect was. It may be questionable with what measure of thankfulness or attention a Secretary of the Treasury, in times when financial problems are rife, reads the many lucubrations which he receives from the many wiseacres who think themselves competent to advise him. Yet it may be imagined that poor Mr. Morris, in the midst of a perplexity equal to the worst with which any minister of finance was ever called upon to cope, may have clutched with eagerness at such missives in the desperate hope that some one of them might by good luck contain a valuable suggestion. It was not long before he received a second letter from Hamilton, longer and more elaborate by far than the former. It contained a careful examination into the resources of the country, and a comparison of them with the resources of other countries, made for the purpose of showing what revenues could be reasonably expected. The time when foreign aid could be expected was declared to have passed by. Some countries could not, the rest would not, help us. The States must depend

upon themselves; and to this end the wisest course lay in the establishment of a National Bank. Again this measure was urged, with a very full and careful sketch of the principles upon which it should be constructed, and the manner in which it might be expected to work.

The writer was sanguine as usual. "The game we play," he said, "is a sure game, if we play it with skill. I have calculated, in the preceding observations, on the most disadvantageous side." The diffidence of an amateur, expressed in the earlier letter, is giving way to the self-confidence of a master of the subject, a character which the whole scope and tone of this later production show that he was now entitled to assume. He received a very kind and appreciative letter of thanks from Mr. Morris, who professed to have been much encouraged by finding that ideas already entertained by himself coincided with the propositions of Hamilton. The plan for the Bank was soon, he said, to be published, and subscriptions opened for its establishment, though with a capital much less than the two millions of pounds lawful money, which Hamilton had named. Mr. Morris mentioned some other features of his own scheme, and concluded by saying that not only was he himself obliged and gratified by the communication, but that the public also were indebted for it; and he invited further correspondence whenever Hamilton should have any thing to suggest. "Communications from men of genius and abilities will always be acceptable; and yours will always command attention." The Bank was set in operation, and by the aid it afforded amply vindicated the wisdom of its promoters.

Who actually first suggested the scheme of a National Bank in the States it is not easy to say. The honor is claimed for Hamilton; it has also been claimed for others. Gouverneur Morris, in a letter to a friend, says: "The first Bank in this country was planned by your humble servant." But Mr. Morris's biographer, Jared Sparks, whose statements are entitled to much weight, says of this quotation: "By this he probably meant that he drew up the plan of the Bank and the observations accompanying it, which were presented to Congress, and not that he individually originated the scheme. This was doubtless matured in conjunction with the superintendent. . . . To Hamilton also may properly be ascribed a portion of the merit in forming this Bank." The truth, doubtless, is that none of the few persons who then thought intelligently upon the subject of national finance could have failed to have the idea of a Bank occur to them. It was a plan in successful operation in other countries, whose example was necessarily looked to for information, and it could not have escaped consideration. The honor lies only in being among the few who strongly advocated it at the earliest day when its establishment was possible, and in suggesting a practicable system for its structure and conduct. This honor is to be shared between the two Morrises and Hamilton, with by no means the smallest portion as the share of the latter. It was always a favorite project with him; one which he fully believed in, thoroughly understood, and finally carried into practice with great skill and success.

The impression made by the last-mentioned letter

upon the mind of Mr. Morris was not transitory. So far back as September, 1780, Hamilton had written to Duane that in his opinion there should be established in each State the office of "Continental Superintendent," the incumbent to have charge of the matter of taxes and requisitions on behalf of Congress. Eighteen months of steadily increasing expenditures and diminishing receipts at last educated Congress to take the same view of the necessity of having such an officer. The bill passed, and forthwith Mr. Morris wrote to Hamilton, urging him to accept the post for the State of New York; and promising him as compensation one fourth of one per cent "on the moneys you receive." The quota of New York for the current year was $373,598.00. But it was probable that a very insignificant proportion of this amount would be actually "received." The compensation would therefore be inconsiderable, and the labor would be great, at least if done as Hamilton thought it should be. Nothing less than a complete reorganization of the whole system and practice of the State in the matter of taxation would satisfy him, if he was indeed to set about the task. This would take nearly all his time; would prevent his establishing his professional business as a permanent source of income, and would probably actually not yield him sufficient revenue to defray his household expenses, even upon a very frugal scale. For these reasons he wrote to Morris that he must decline the offer.

But a reply from Mr. Morris explained that the percentage was to be allowed upon the quota assessed upon the State, without regard to the amount of collections. This rendered the pay more nearly equiva-

lent to the work, even upon the extended scale proposed by Hamilton, and warmly commended by Mr. Morris; and Hamilton finally resolved to yield to the solicitations of the superintendent, and accept the appointment. Forthwith he repaired to Poughkeepsie, notified Governor Clinton of his appointment, and requested to be allowed a conference with a committee of both Houses of the Legislature. His energy soon gave promise of bearing good fruit. A joint committee was appointed to aid in his designs; and both Houses were prevailed upon to pass resolutions, to be transmitted to Congress and to the several States, proposing a convention of the States to enlarge the powers of Congress and vest that body with funds. How far these two measures are actually to be attributed to the personal influence of Hamilton it is impossible to assert positively. Certain it is that they were perfect exponents of his views, and were suggested and passed soon after his appearance at Poughkeepsie.

His next step was to prepare an elaborate bill, embodying an entire new system of taxation. But the difficulties he met with were great. Not alone was the reigning confusion a perpetual embarrassment, but ignorance, prejudice, and interest combined in an almost invincible league against him. A large portion of his time also was necessarily devoted to the disagreeable task of dunning, which he prosecuted industriously and with such success that the novel doctrine that taxes were a charge really to be paid began to make some progress among people who had long regarded the tax-gatherer's receipt as a rare curiosity, not to be found in many house-

holds. Long continuance in this career would probably not have promoted his personal popularity, though it could hardly have failed substantially to improve the public finances. But he had not been long receiver when he was interrupted in the duties of the office by a summons to another sphere of usefulness. He was elected to Congress by the State of New York. In consequence of this change in his circumstances, he resigned the receivership on Oct. 1, 1782.

CHAPTER IV.

THE CONGRESS OF THE CONFEDERATION.

ABLE men at this time were with difficulty persuaded to fill any office of a national character. It was an ill prize to offer to ambition, and for a few years the singular spectacle was actually beheld of men accepting public functions of an apparently exalted nature in an honest spirit of self-sacrifice. The language of unwillingness assumed by political aspirants as a sort of tribute to a fashion, which has become established in their calling, was for once thoroughly and unquestionably sincere. The period intervening between the early part of the year 1782, when peace first began to appear as a definite probability to be achieved at an early day, and the month of March, 1789, when the new Constitution went into operation, would be gladly consigned to obscurity and oblivion by the historian, were it not absolutely necessary to seek in that melancholy chaos the elements and influences which combined to form the new system of government. The narrative of those blind gropings, those disastrous blunders, those cruel humiliations, all occurring beneath the eyes of the cynical and cavilling observers in European courts, is painful indeed to rehearse. Bitterly did

the prominent Americans feel the vexation of their position. It was no ordinary condition of the public affairs, no brief vexation arising out of slight and fleeting annoyances, which could induce Washington to write: "To be more exposed in the eyes of the world, and more contemptible than we already are, is hardly possible." The long anguish of months growing into years, and yet bringing to view no happy issue out of calamity, was alone able to wring such language from the most steadfast soldier of the Revolution.

To so ill a pass had the national affairs come, that it seemed indeed questionable whether the United States really existed as a substantial entity. Even the cohesive influence of a struggle for life proved feeble as an antagonistic force to encounter the disintegrating influences; and before the war was fairly over or independence had been surely achieved, the bond of political union had been reduced to nearly the last degree of tenuity consistent with so much as the semblance of actual existence. The adoption of the new Articles of Confederation, tardy as it was, came yet all too early for the welfare of the tottering nationality. By defining the powers and functions of Congress, previously vague and therefore by possibility at least extensive, it seriously restricted and in some measure even altogether annihilated the pre-existent authority of that body. Thus was taken another long and mischievous stride upon the downward path along which the States were already travelling at hazardous speed. Nearly every one in foreign parts, and not a few despairing observers at home, gazed in almost momentary expectation of

beholding a catastrophe which should scatter the allied States in utter and irretrievable separation.

But the grief which this anticipation of ruin brought to the breast of an American patriot was far from being kindled in any great number of European hearts. Many individual friends the new nation certainly had in Europe; yet it was able, by the close of the war, to count upon no single foreign government as its warm and sincere well-wisher. There were enough of scarcely disguised foes who maliciously sought to quicken and perpetuate the progress of national disintegration; who said that to talk of treating with so powerless a shadow, so empty a name, as the United States of America, was simply preposterous; that there were thirteen sovereignties independent of each other, competent to treat singly, to enter into widely differing compacts, to send each for itself its individual minister to foreign courts. Even the Count de Vergennes made suggestions of this nature to Mr. Adams. Nor could the sneering arguments advanced by these men be altogether controverted. Unfortunately, too, such arguments were addressed to ears by no means reluctant to receive and give credit to them. If any doubt could ever have been entertained of these statements concerning the open or disguised sentiments of European governments towards the United States, it must have been completely dissipated by the researches made by historians of late years.

It may be useful to take a cursory glance at the condition of our foreign relations, in the year 1782, and thereabout. England of course was our professed foe. The mere proposition to make peace

on the ground of our independence was unwelcome enough to the government, and unpopular enough with the people. A long time had elapsed and no small degree of firmness had been manifested by the American ambassadors, before so much as a frank and distinct recognition of the fact of independence could be forced from the British. More than we had wrested from them by sheer might of arms and could retain by diplomacy at once most cautious and most obstinate, it was idle if not properly unreasonable to look for.

Spain had been nominally our friend and ally, but by the winter of 1782–3 the friendship and alliance, never very ardent or close, had come to exist in little more than in name. Misunderstandings threatening to have the most grave and even warlike results had arisen concerning boundaries, and more especially concerning the right of the people of the States to navigate the lower Mississippi to and from the Gulf of Mexico. From lukewarm friendship the Spanish court was rapidly lapsing, through discourtesy and arrogance, into an attitude of positive hostility. A symptom of their feeling may be found in the fact that neither when Pensacola capitulated, nor when the Bahama Islands surrendered to the Spanish forces, was any stipulation inserted or demanded as to the subsequent employment of the evacuating British forces; but these troops were left free to serve against the United States, and actually did come direct from the southern fighting grounds to augment the troops in garrison at New York and elsewhere. Other insolent conduct both commercial and military, interferences with trade and irruptions

into territory claimed by the United States, manifested the indifference if not the animosity of Spain, and of course created and fostered a corresponding feeling of indignation against so faithless an ally. She could be reckoned for little, if not rather as really a negative quantity, in any estimate of national resources.

France was governed by the artful schemes of the Count de Vergennes, an able diplomatist, but trained in the old, bad, false school, an adept in Machiavelian subtleties and double dealing, and graspingly devoted to French interests and French aggrandizement. Under such imperfectly honest influences she could no longer be safely considered or treated as an open and ingenuous friend, no longer relied upon as a permanent and thorough-going ally. On the contrary it must be acknowledged, however reluctantly, that she was in fact, during the summer and winter through which negotiations between the various warring powers were protracted, secretly exerting the utmost skill of which her astute statesmen were capable, to mould the destinies of her thirteenfold ally to fit her own uses and to fill out her own needs. Little by little as the years have gone by and have caused new documents to be brought to light, new comparisons to be made, and a wide and connected knowledge to be acquired, the historians studying those days have been enabled to trace with much accuracy the tortuous, obscure, and insincere policy of Monsieur de Vergennes. At the time it was not unsuspected by those who were brought into near connection with it, but even by them it was not and could not be fully understood, nor was

it possible for them to express openly such doubts as they might inwardly entertain. For they had no proofs to adduce, and a public expression of distrust unsupported by evidence would have raised a tempest of indignation and derision. Serenity and confidence were to be maintained upon the surface; suspicion and watchfulness were restricted to lurk and toil darkly and constrainedly beneath the appearance of a cordial good understanding. The anxiety superinduced by this condition of things was not the least annoying difficulty with which the statesmen of the confederation were obliged to contend. It required no small amount of nerve for the American commissioners, in direct contravention of their instructions from Congress, to treat privately with the British negotiators and to agree upon articles of peace without the privity of the French Minister, in spite of the fact that they had been most carefully ordered to consult with him and even to be guided by him throughout. They did this; but it was in good truth a most bold step, not wholly devoid even of public risk, and for themselves personally full of very great and obvious danger. It was the good genius of their country which gave them courage in those days of great jeopardy, as all readers of history now know full well, though many prominent men in the States then believed otherwise. Altogether these wretchedly selfish French intrigues constituted a series of very peculiar and trying and wholly undeserved complications for us in times quite abundantly crowded with other embarrassments. In enduring them we established a good set-off to meet no inconsiderable instalment of that debt of gratitude due

from us to France, and of which even after magnifying it to the utmost we were destined to hear a vast deal too much.

To a certain extent Holland stood our friend. The attraction of a common enmity was furnished by her own difficulties with England, by which power war had been declared against her in December, 1780; her possessions in the West Indies had been seized, and her rich fleets of merchantmen in those seas captured, and with their costly cargoes sold at a public international auction. From the coffers of the Dutch money-lenders, which even in that day were open to pretty much every needy borrower the world over, at satisfactory rates of interest and upon liberal scales of discount, we succeeded occasionally in extracting supplies somewhat meagre and very well paid for, it is true, yet most welcome. Just as negotiations with England were fairly initiated, John Adams succeeded in arranging a commercial treaty at the Hague, which was a gratifying achievement. But in her national character Holland was not, nor could she have been, even with the best inclinations upon her part, a substantially powerful or active friend. For the rest, the other peoples of Europe were content to look on, so far as they were at the trouble of even so much as looking, with a tranquil indifference seldom dashed with the curiosity worthy of intelligent observers.

Our representatives abroad — able, honorable, and high-spirited men — would have had more than enough to cope with had they encountered only the open hostility of an avowed enemy, the coldness of a dubious and failing friend, the intrigues of a professed

ally, and, beyond this, utter neglect. Diplomacy was an art which before that time had very naturally not been much studied in America, and amid surroundings of unusual complication and difficulty men untrained in such affairs, and driven to rely only on their own native shrewdness and common sense, may be excused if they felt anxious and troubled.

But there was another element to harass them, in some respects more trying than any of those already mentioned. They were compelled to subdue their pride upon a point on which men of independent temper are wont to be even exceptionally sensitive, and on behalf of their country to do what for themselves they never could have done while life remained to them. John Adams in Holland, Benjamin Franklin in France, and John Jay in Spain, the envoys of the States, were by virtue of their offices mendicants. Not only were they obliged to beg in a manner wholly unlike that in which a country in good credit and in due course of business solicits loans on the exchange or bourse of another nation, but they were obliged to carry their unwelcome importunities to the doors of most reluctant lenders. It was their part to implore for money, to take no denial, to return again after repeated refusals, to reiterate the ceaseless wail of poverty. The security which they had to offer was contemned, the credit of their country was flouted. Discounts and rates of interest for even small sums were insisted upon, such as might have seemed harsh in the negotiation of a Turkish or even a Persian loan. Yet still the drafts upon them were sent over from America, still they continued to accept them without the means of payment, and still

they continued to sue for pecuniary assistance as the day of maturity approached. Incredible as it may seem, it was the established custom of the national superintendent of finance to draw upon the ministers resident abroad, and to sell such drafts in order to raise money for his immediate needs; and this he systematically did when he had no reason to expect that these unfortunate drawees could have any possible means of meeting the payments save by even abject supplications dinned into the tired ears of foreign ministers, to save them from such public disgrace and ruin as must result from actual non-payment and protest by the notaries. The lot of Mr. Jay, in this respect, was hard even beyond that of his colleagues, and the sketch of his financial miseries cannot be read even to-day without a hot flush of shame. How he endured it is a marvel.

The finances of the country were indeed in a state as pitiful as could easily be conceived. That there could be lower depths to which they might sink seemed impossible. The very last dollars seemed to have been taken by the last hard squeezes out of foreign lenders; and the resources of the country itself appeared to be hermetically sealed, if indeed they were not in fact really exhausted. The paper money of the Confederation had lost even its nominal value. In 1781 about one hundred and twelve millions of the old legal tender issue were outstanding. Two hundred millions had been issued; but about eighty-eight millions had been taken in by the States in payment of taxes, at the rate of forty dollars for one, and cancelled. Congress made a desperate effort to call in the remainder of this stuff by offering to give

in exchange for it the bills of a new issue, — the "new tenor," as it was called. The exchange was to be made at the rate of seventy-five for one. But as soon as a few of the "new tenor" bills got abroad among the people they began rapidly to follow the course of the old tenor. They depreciated with such alarming rapidity that the uselessness of the scheme was seen and the issue was stopped. Then Mr. Morris stipulated, as an express condition of his taking the office of Superintendent of Finance, that he should be obliged to have no transactions in this dishonored currency. Such action on the part of government was substantially repudiation. Down sank the poor paper dollars, till five hundred of them and then a thousand of them were passed for one dollar of gold or silver money; nor could this ridiculous rate be maintained long. When a dollar in paper had become the equivalent of a mill in coin, the value of that dollar was obviously altogether imaginary. From taking a thousand dollars in bills for one dollar in hard money the step was but a short and rapid one to refusing to take the bills at all; and by the beginning of the year 1782 they had substantially ceased to circulate. About this time it was that there came into vogue a slang phrase, expressive enough then and still heard in our own days, though now probably in most mouths stripped of the historical associations which surrounded its birth. The Yankee mind, not deficient in powerful or figurative forms of expression, could find no more emphatic way of describing the utter worthlessness of any thing than by saying that it was "not worth a Continental."

In 1781 our foreign indebtedness amounted to between five and six millions of dollars, to increase which the most assiduous efforts were not spared. With such success had these efforts been attended, that at the close of the war this had increased to ten millions. It was the belief abroad and the intention at home, that if the United States should ever pay any thing they would pay this. Yet inasmuch as it was far from certain that the United States ever would pay any thing, the European usurers felt a not unnatural anxiety as to the safety of their trans-atlantic investments. The trouble was that the Congress of the United States was unable to pledge any specific revenues to the discharge of either principal or interest, for the reason that no power of taxation resided in that body. Duties on imports were not only unpopular, — being regarded as unequal and anti-republican, and as lodging too much power in the government, — but even so far as they might have been endured they could be laid and collected only by the State governments. The United States had no independent or sure source of permanent income whatsoever; and the most urgent solicitations to the individual States had thus far failed to induce them to establish any permanent funds.

In 1781 the domestic indebtedness was between five and six times as great as the foreign, estimated of course on a gold basis, and rejecting altogether the abandoned and disowned issues of paper money. At the close of the war the national debt was about thirty-five millions of dollars; and the aggregate of the State debts was twenty-five or twenty-six millions more. The States individually were a little but

only a little better off than the Confederation. They owed it is true the large sums just mentioned, sums larger than it might prove that they would ultimately be able or willing to pay. They also were struggling with meagre success to keep afloat, at some sort of value, their respective issues of State paper currency. Their success in this respect was various. Many of them had manufactured this fictitious money with utter recklessness of consequences, as if no day of payment were ever to come. Virginia, for example, had turned out bills in such lavish abundance that she was finally able to redeem them only in land warrants, or at the rate of one thousand for one in real money. Some States, among them Massachusetts and Pennsylvania, succeeded in taking in their bills by funding them at their nominal value. In other States a partial redemption was effected by the aid of land warrants. But much State paper was never redeemed at all. In carrying out these various processes however, the States were better off than the Confederation in one essential respect; for they held the purse-strings, in the shape of the power of taxation; and so long as any money at all remained in the farthest corners of the purse, they could if they chose both practically and legally appropriate the whole of it, leaving all national considerations out of the question. It is true that such an act would not be very wise, or very high-minded. Yet it was possible, and one State was found willing to threaten it. The Assembly of Pennsylvania memorialized Congress, reproaching that body for its neglect in liquidating the domestic debt and in failing to provide for its payment, and declaring their purpose of

applying the sums raised in the State upon account of federal taxes to the payment of the claims of resident federal creditors. Yet this action proved salutary in urging Congress to more prompt exertions than had previously been made, and the Pennsylvanians, seeing these earnest efforts actually in progress, consented to lay aside their project.

Yet it was while affairs were in this condition that the matter of an independent national existence seemed to hang suspended upon the possibility of raising more money. There were men enough standing ready to fight out the war of independence to the end, if it took a lifetime, provided only that they could be fed and clothed, and their families kept from nakedness and starvation while they marched and fought. Money was the grand need, in comparison with which all others were dwarfed to the petty stature of mere vexations. At the time when the superintendent of finance was appointed, Gouverneur Morris, himself well skilled in that difficult pursuit, wrote to Mr. Jay words as true as they must have seemed ominous: "Finance, my friend! — The whole of what remains of the American Revolution grounds there!"

Obviously the real power of Congress in respect to raising funds was substantially identical with that of Owen Glendower concerning the raising of spirits — it could call for them! It could pass votes demanding any sums that it chose, nor was it matter of much moment to anybody what figures should be inserted in these hollow and inefficient fragments of legislation. For of all the amounts which were thus voted, only the most insignificant percentage ever came into

the public treasury. For example, at the beginning of the year 1782 the national vaults were literally *empty*, — there was not a dollar in them. Congress had called for two millions of dollars, all of which should have been received by the first day of April; yet on the twenty-third day of that month "not a cent had been received." By the first day of June twenty thousand dollars had been paid in, "not much more than was required for the use of one day." By August the total aggregate of all receipts under this requisition had risen only to eighty thousand dollars. The requisitions for the whole year amounted to eight millions of dollars; the receipts on account of these demands up to January, 1783, were only about four hundred and twenty thousand dollars. Indeed, it seems strange that amid the general contempt manifested towards all these enactments any persons could be found virtuous to their own cost, in a degree so infinitely beyond the standard of excellence set up even by the more respectable members of the community, as to pay any attention whatsoever to the importunities of the tax-gatherer. The payment of taxes had come to be regarded not only as a romantically honorable act, but even as a sort of amiable but Quixotic manifestation of eccentricity. Still from one source and another very tiny rivulets of money did trickle slowly into the great thirsty vaults of the treasury; hardly enough to do much good, yet just sufficient to lure Congress on to pass more votes calling for this indispensable sustenance of the national life.

It was the personal exertions and character of Mr. Morris as Superintendent of Finance, that were

mainly instrumental in carrying matters along from day to day and warding off the occurrence of any ruinous and definitive crash. How he drew drafts on our ministers abroad has already been told; besides this, he issued treasury notes on short time; he anticipated the taxes; he established the Bank of North America for the express purpose of borrowing money from it; and resorted to a thousand devices which his fertile mind, driven to put forth its utmost ingenuity, succeeded in inventing. He was held personally in high respect as a man of sterling integrity and inexhaustible resources; and this general opinion of him, certainly well deserved, was a very great aid to him in the conduct of affairs. But even an infinitude of expedients must have failed before the host of demands and difficulties which beset the unfortunate superintendent. Probably no man was ever more harassed. Certainly General Washington, in comparison with whose towering fame Mr. Morris's name seems almost unknown, had no greater burden of anxiety or responsibility laid upon him in the Jersey campaigns and the winter quarters at Valley Forge, than had this unfortunate financier. Mr. Morris began with an honest hope though a somewhat dubious expectation of achieving a moderate degree of success. In the efforts which he made he saw his private fortune dissipated like a morning mist, and soon he had reason to dread that his good name might share the same untoward fate. For to him every one turned and upon him every unpaid creditor vented his wrath, as if forsooth it was his individual fault that the taxes were not paid and the nation was unable to meet its bills. Yet he was one

of the foremost patriots of the Revolution ; all that he had he freely put at the service of his country, not only his time, his efforts, and his reputation did he offer to her, but the accumulations of his private property. Many a time and oft did he draw upon his individual resources and pledge his personal credit to raise funds to feed and clothe the hungry and ragged troops of General Washington, when the people were or seemed to be exhausted, and could not or would not furnish even meagre and temporary supplies.

In despair, he resolved to resign, and announced his resolution early in 1783. But his retirement, as it could not fail to aggravate public distrust to the measure of a panic, must prove most disastrous, might indeed bring on the last fatal catastrophe. He was besought to remain by a committee of Congress, of which Hamilton was a member, specially deputed to confer with him. He assigned as his reason "the continued refusal of Congress to make an effectual provision for the public debts." Finally, however, he reluctantly yielded to the importunity of the committee. Congress resolved that "the public service required his continuance" in office until the affairs of the army were put in order. But urgently as he was thus pressed to remain, his incumbency lasted and indeed was desired only a short time longer. New vexations soon came from the quarter from which beyond all others he ought now no longer to have experienced them. The Congress which he had made his debtor in gratitude neglected his reasonable requests, and at last refused so much as to pass votes for such requisitions as were ab-

solutely indispensable to meet the interest on the public debt, and the daily current expenses of the government. Why Congress should have been so obstinate upon this point it is not easy to understand. In the first place, it seems unquestionable that they were wrong, and that the money should have been called for by them; but beyond this, when they were so well aware that it made not the slightest difference how much they called for, it is not easy to see why they wished to cavil as to whether they should name a somewhat larger or somewhat smaller sum. Nevertheless they did thus cavil. The harmony previously subsisting between them and Mr. Morris was destroyed, and finally, early in 1784, he retired. The office of Superintendent of Finance was abolished, and its functions were allotted to a Board of Treasury which was now established. But the national finances were far beyond the help of any superintendent or of any board, however organized or however harmonious with Congress.

The truth was, there was no longer much if any thing that it was possible to do. How hard the mass of the people tried, how willing they were, to pay enough taxes to approximate at all nearly to the public necessities must now be matter of theoretical speculation based upon a very insufficient knowledge of the data requisite for obtaining an accurate result. Some of them must have been willing to do, and in spite of the general demoralization must have honestly done, at least all that they were able even if not all that they were asked; some who were unwilling must have been compelled, otherwise even the scanty funds which were raised could never have

been collected. But it must be confessed that it is impossible to read the annals of the times without being forced to the conclusion, that long before the lingering struggle was over the reluctance to pay had become even much more widespread than the disability; and that the people as a whole fell very far short of doing all which they might have done. Yet upon the other hand it cannot be doubted that the country was really thoroughly bankrupt; that it was utterly unable to bear the expenses of so protracted a war, and that the best efforts which were possible could never have resulted in the discharge or redemption of the entire indebtedness. The people really had not the money. Mr. Hildreth, in his history of the United States, puts the "pecuniary cost" of the war at the sum of one hundred and seventy millions of dollars, which in those times and for so young a country was a vast figure. The amount raised by the States, "whether through the medium of repudiated paper or taxes," he says that it is "impossible to ascertain with precision;" but he considers that "it probably did not exceed thirty millions of dollars."

There was little or no accumulated capital in the colonies at the beginning of the contest. And the history of the United States of late years, since it has become so rich and powerful, shows plainly enough that the Revolutionary generation, with no money laid by, with no mines or manufactures, and with their commerce mutilated almost to the point of destruction, could not have defrayed the expenses of seven years of warfare. To plunge into debt to the utmost degree possible, to issue paper money in

such quantities that the idea of redemption became ridiculous, was after all inevitable. The abandonment and dishonor of the currency may be forgiven; for herein the people were their own creditors. But the other indebtedness stood on a different footing.

Congress itself was surely and not very slowly fading into the mere shadow of a name; nor did it seem certain that even a shadow would long be left so much as to bear the name. Intelligent and active men did not fancy leaving their homes and their private business only to talk together, and to pass votes and resolutions which, except in being duly recorded, bore scarcely any resemblance to effective laws and statutes. Congress might ratify a treaty; but the States severally felt themselves quite at liberty to disregard and even practically to annul any of its provisions which might seem inconvenient or distasteful to them. Noteworthy proof of this was furnished by the occurrences connected with the treaty of peace, which treaty, if any, Congress must have authority to conclude and make binding. Yet the thirteen sovereign nationalities, — for such a character they in fact assumed to themselves, — submitted to be bound by this solemn contract only so far as it pleased them respectively. Each independent State disregarded such part of the treaty as it saw fit.

If Congress was thus impotent to carry into effect the treaty of peace, concerning which its authority and jurisdiction might have been considered to be practically if not technically in some degree exceptional and special, it is obvious how entirely powerless it was to negotiate commercial treaties; for it was confessedly wholly devoid of any manner of

authority, express or implied, in respect of imposts and customs-duties. These lay wholly within the control of the respective State Legislatures, and had thus far been managed in the most narrow, selfish, and unaccommodating spirit possible; nor were there any symptoms of a reaction in this jealous feeling. Yet commercial treaties seemed so indispensable to any tolerable degree of national prosperity, that efforts were made to arrange them in spite of the essential futility which it was seen from the outset must inhere in them. After the most painful haggling and the most solemn execution, they were likely only to prove additional monuments of the national ineptitude. Nevertheless, there was established abroad a board of commissioners ostensibly empowered to conduct negotiations of this sort, and inviting European powers to confer with them for this purpose. The little flourish, however, which attended this inauguration of the scheme could not deceive foreign statesmen. The commissioners accomplished nothing beyond a treaty with Prussia.

If Congress could not assess taxes, could not collect money, could not provide for the national expenses or for so much as the interest on the national debt, could not enforce the stipulations of treaties, could not establish a revenue system, — the question naturally arises, What could it do? To which it must frankly be replied that it could do substantially nothing, — at least nothing but deliberate, vote, resolve, remonstrate, recommend, supplicate. These privileges it could exercise freely if it were so minded; and, for want of any better occupation, it often did exercise them. So long as there was an

army indeed, Congress did make shift to display some authority in respect of it; yet these displays were mostly confined to the all-important subject of pay and supplies, and so fell within the department of finance. But erelong there ceased to be any army. When there was no war, there seemed to be no need for soldiers. A desperate effort was made to retain a small body of Continental troops in the employ of Congress for the purpose of garrisoning the frontier posts, — should these ever be obtained from England. It was of doubtful wisdom for the Confederation to leave this duty to be performed by the individual States within whose limits the posts might respectively be situated; neither did it seem right to impose such a burden upon any State for the general benefit. Yet so excessive was the jealousy of these independent bodies, that each one was resolved to permit no national troops to be stationed permanently upon its territory. Harangues about standing armies, conceived in the wonted sensational vein of such speeches, stirred the State Legislatures to a high degree of fear and wrath. The helpless Congress succumbed; and the standing army of the United States was reduced to a force of *eighty men!* — the largest peace establishment which our forefathers could tolerate without fear for their liberties. Twenty-five of these dreadful mercenaries guarded the national stores at Pittsburg; fifty-five were on duty at West Point. The highest military officer in the employ of the Confederation was a captain.

This cutting down of the military establishment was far from meeting Hamilton's approbation. On

the contrary he took great pains to bring about the adoption of a very different plan. He drew out an elaborate report designed to show the constitutionality and the necessity of retaining a national force. He prepared a speech in support of the measure, which however he seems never to have delivered. By his scheme he proposed to keep only a very moderate number of men upon the permanent establishment, but he skilfully arranged it so that these few should furnish a nucleus of regular soldiery and trained and competent officers. The small force was the microcosm of a complete army. Thus military traditions and education and a knowledge of the science of arms and war would be preserved, and the means of rapidly disciplining new levies in time of need would be secured. Each branch of the service existed in little, and would need only to be expanded, not to be originally created, in the event of a call for active service. Four regiments of infantry, one of artillery, the skeleton of a cavalry regiment, a corps of engineers, and a regiment of dragoons were what he contemplated. The engineer corps was to be so constituted as to take the place of a military academy until such time as such an institution should appear necessary and feasible. Arsenals and magazines were to be maintained at Springfield in Massachusetts, at West Point in New York, on the James River in Virginia, and at Camden in South Carolina. One general officer was to command the troops of the line; another was to be placed over the engineers and artillery; besides these he thought it necessary to have only an inspector general, and of course the usual regimental officers.

Washington was deeply interested in this measure; but the combined influence of the commander-in-chief and the member of Congress proved insufficient to persuade others of the propriety of the scheme. A ragged continental soldier was as complete a scarecrow as he looked. The most down-trodden man in the country, he was also the most feared.

Neither was Hamilton by any means pleased with the notion of leaving the frontier posts to be garrisoned by State levies. Washington also thought very ill of the plan, and wrote a letter to Congress proposing whenever these forts should be surrendered by the British, in accordance with the terms of the treaty, to occupy them with a portion of the troops under his command. The proposition was sent to a committee whose report was submitted by Hamilton. This directed Washington to hold the posts with so many three-years men as he might see fit, for a term not exceeding nine months. The report was adopted by a vote of ten States. But the opinions and actions of Hamilton in this matter were exceedingly distasteful to Governor Clinton and his friends, then the dominant party in New York. It was not until after Hamilton had left Congress, that the governor in a letter to that body gave full expression to his sentiments. But though no longer officially involved in the discussion, Hamilton was unwilling to suppress his views, or to sit silently by while measures which he had carried and which he believed to be important and salutary were being assailed or undone. He replied to the arguments of Clinton in a document of great length. For New York especially he was at the pains to show that national garrisons were a

most wise and desirable arrangement. All along its Canadian frontier the State was exposed to aggressions; the North River seemed to invite attack both by sea and by land; the British had sailed up and down it, and had harassed the inland portions of the State, besides holding possession of the harbor and city of New York. The State was "in all respects *critically situated*. Its relative position, shape, and intersections, viewed on the map, strongly speak this language: 'Strengthen the Confederation; give it exclusively the power of the sword; let each State have no forces but its militia.'" The military history of the Revolution proved the soundness of these doctrines; yet the politicians of the State could not be brought to believe in them. They preferred to accept the onerous and expensive task of self-defence, rather than to have continental garrisons holding posts within the borders of the State.

At what a low ebb Congress stood in actual power has been shown, and it may be thence inferred how low, by a necessary consequence, it soon must stand in the popular estimation. Decadence in efficiency and in reputation naturally brought in their train decadence also in character and intrinsic merit. The old, familiar sins of dilatoriness and non-attendance increased to an alarming extent. Long after the day named for the commencement of a session no quorum would be present, until at times it seemed that the Confederation was to perish of an atrophy, and the government was to become simply non-existent. The delegations from sundry States often failed altogether to attend, — a fact strikingly indicative of the value placed by the inhabitants of such unrepresented States upon

the legislation of the congressional body. Even so all-important a matter as the ratification of the definitive treaty with Great Britain was powerless to break the continuance of this apathy. A special summons, or rather appeal, was issued; and even then, though it was necessary that only nine out of the thirteen States should be represented, many long and weary days passed before this number was reached. First-rate men were with difficulty prevailed upon to allow themselves to be chosen members of such a body. There was little to tempt them, — no glory, and but slender prospects of usefulness. For what advantage could the most patriotic legislator conceive as a possible result of his moving or voting for measures which would never be voluntarily carried into effect, and which could not be enforced? Such occupation was as idle and as inglorious as the sport of boys playing at government. Accordingly, when Hamilton was chosen to go to Congress, it happened that there was in that body only one man really of the first class in ability and character, and but very few even of the second class. That one man — the brilliant exception — was Madison; among the abler of his co-members were Wilson, Elsworth, Rutledge, Clymer, Bland, and the venerable Witherspoon.

To one inclined to the sentimental mood, or prone to moralize, this entry of Hamilton upon his congressional career is a pregnant subject. A stupendous task lay before any man endowed with the intellect to comprehend and the courage to undertake it, — no less than to infuse life into the dying frame of the Union. The sketch of public affairs contained in the few preceding pages may have shadowed forth im-

perfectly the vastness of this task, — a vastness which, as it proved, passed within the confines of impossibility. Hamilton came to the work with a clearer insight than was given to most of his co-laborers, and with a more resolute spirit and more sanguine temper than belonged to any of them. The great cause of a national existence was not to be allowed to perish without vigorous efforts at counteraction at least upon his part. The story of his efforts must, as is well known, be only the story of failure; but this does not derogate from the honor justly due to his mind and his character. He had been, as he wrote to Lafayette, for the last ten months employed in rocking the cradle and studying the art of fleecing his neighbors. He had become a "grave counsellor at law." Nevertheless, he was "going to throw away a few months more in public life," and then retire, — a "simple citizen and good pater-familias." Certainly a selfish view of his own interests would have bidden him to stick fast to his business as a "grave counsellor," and by no means to close the door of his office for the purpose of crossing the threshold of Congress. In the practice of his profession there was money to be made and reputation to be earned; the public service promised neither dollars nor distinction. Before entering upon it, while laboring diligently in it, and after having left it, it must have seemed most truly a "throwing away" of valuable time. But it was the *public service*. He had great ideas in his head concerning it, and his spirit would not let him rest in peace till he had at least done what in him lay to express those ideas, to embody them in action, and to translate them into facts. Private interests

must be neglected for a few months, that the people might be served.

There is something in a degree melancholy, yet most noble, in this picture of the brave young man coming to the rescue in this hour of most miserable, dispiriting jeopardy. All around him narrowness of view, selfishness of purpose, hostile prejudice, and sectional jealousy were bringing the small politicians and petty leaders of the day into endless, pitiful squabbles and mischievous bickerings. Among the greater and better men, some were not now available. Washington was enjoying a short recess in his almost life-long career of national labors. Jefferson was making a feeble and ineffectual attempt to govern Virginia. The record of his official career is the story of successive pusillanimous runnings away from the seat of government at the threatened approach of danger; his greatness was still very closely shut up in the green bud. John Adams, John Jay, and Benjamin Franklin were abroad, working bravely. The two Morrises, immersed in a sea of financial troubles, had more in their charge than even they could fully manage. Among too many of those who were left, and who made even the pretence of continuing in public life, a nerveless inertia and despair seemed to prevail. Few kept their shoulders at the wheel of the floundering car of State, and fewer still pushed with their might. Madison was at work, it is true, — a statesman of the first class, and a man of an admirable intellect, yet hardly a hero to put forth strenuous exertions, and by sheer strength to save an inert people.

Hamilton alone approached the labor in a manner to achieve it. Had he been a statesman of the Euro-

pean school,—cold, crafty, selfish, unscrupulous, grown gray in intrigues having for their object not the advancement of the welfare of any portion of the race, but the mere aggrandizement of some royal family,—one could contemplate the failure of his efforts with complacency. But coming as he did, young, fresh, and ardent, full of a generous ambition, to the grand task of saving an embarrassed people, of organizing a free nation, one cannot but feel a certain sadness in contemplating the futility which, for the time, attended all his efforts.

Yet to us, looking back after the lapse of nearly a century, it is obvious that this failure was most fortunate. The success of Hamilton in his grand projects at that period would have been a transitory and illusive blessing. The United States, such at least as it is to-day, might never have existed. It was because things then grew persistently worse that they afterward became so much better. It was only from a more confused and blacker chaos that the new nation could arise, and assume its place among the leading powers of the world. Yet though this was fate, it was not a fate which the leaders of the people could safely hasten or properly assist in its development. Had they sought to do so, had they aided matters to advance to the stage of desperation in the anticipation of a wholesome reaction, they would have appeared unfaithful servants, and would have found themselves devoid of all influence at the most important moment. Very fortunate was it that Hamilton and his compeers had the moral foresight and courage to avoid this error, and to pursue always and obviously the permanent welfare of the people.

The grand labor which presented itself before Congress concerned the finances, — a labor as hopeless as that of Sisyphus, but as unavoidable. "Moderate funds permanently pledged for the security of lenders," — such was the cry reiterated with painful earnestness, and truly and fully exposing the one indispensable need of the time. All persons who gave any thought at all to the subject now understood and acknowledged, what Hamilton and a few others had so long ago preached to only half-believing ears, that by this measure alone could the country possibly be saved. But it was precisely the establishment of such funds that contributed an insoluble problem. Congress could not and the States would not take the necessary steps. Congress could only urge, and this it did vigorously and persistently. It was a last desperate struggle, and was felt to be such by Hamilton and his coadjutors; each strove according to his strength, and the strength of none seemed equal to that of Hamilton. So obvious did these strenuous and persevering advocates finally succeed in making the wisdom and necessity of the proposed measures, that in the summer and autumn of 1782 there really seemed for a time to be a fair prospect that all the States would combine in establishing, at least temporarily, the requisite laws. One after another had yielded to solicitation, until, Georgia remaining silent and uncommitted, Rhode Island was the only positively contumacious member. Forthwith upon taking his seat, Hamilton entered upon the task of bringing Rhode Island also to take the requisite action. He presented a resolution for the appointment of a deputation to be sent to that State,

to urge the grant of the impost "as a measure essential to the safety and reputation of these States." At the same time, to prevent delay, he presented a draft of an ordinance for the collection of the proposed duties. In the vote upon this resolution, the Rhode Island members enjoyed the unenviable notoriety of uttering the sole dissenting voice. The deputation, being thus authorized to proceed, were directed by Congress to take with them a letter to the governor, which had been prepared by Hamilton. But the very next day there arrived from the Speaker of the Lower House of the Rhode Island Legislature a letter to Congress, announcing the unanimous rejection of the congressional scheme. Thereupon the Rhode Island delegates moved that the resolution appointing the deputation should be rescinded. Their departure however was only delayed for a few days in order to furnish Hamilton with time sufficient for drawing an elaborate reply to the grounds of objection.

The day after this report was accepted by Congress, Hamilton moved that the deputation be directed to go upon its mission as speedily as possible. But all this earnest and assiduous labor was ploughing in the sand. The eloquence and logic of Hamilton were of course powerless to move the resolution of a body so stubbornly committed to its error as was the legislature of Rhode Island. It became, however, of little consequence whether or not he could penetrate to the deeply buried and petrified intellects of these gentlemen; for, almost while he was composing his address to them, the legislature of Virginia was revoking its grant of the impost. The

scheme which had approached so near to success receded into hopelessness, and the zeal, with which for a time it had been pushed, rapidly abated. The crass ignorance and narrow obstinacy of the Rhode Island law-givers, provoking and mischievous as they appeared at the time, may after all have been inspired by Providence in order to prepare the way for the dissolution of the Confederation, and the formation of the new Union and Constitution of the United States.

One more grand and complex plan was framed, after long debate and discussion, — a plan which, like its predecessor, never quite reached the stage of execution. It provided for an impost-duty for a period of twenty-five years, to be appropriated so far as it would go to the payment of the principal and interest of the war-debt; also, that for the like period the States should respectively establish taxes to be applied to paying the balance of this debt. The collecting officers were to be appointed by the States, but amenable to and removable by Congress. "Liberal cessions" of the unappropriated State lands were also urged. This scheme was far from meeting Hamilton's views. It was a short step only in the right direction. It was fit to do harm rather than good, because its utter insufficiency would only bring into unmerited and unfortunate disrepute the whole fundamental theory of which it was so imperfect an exposition. Any impost, to be substantially beneficial, ought to be coeval in its operation with the existence of the war-debt. If it was really to restore confidence in the national credit, it must promise to return income equal to the outgo. Yet it was not

expected, for the present at least, to bring in more than a million dollars per annum, whereas the interest on the indebtedness amounted to two and one-half millions per annum. The application to the States was a perpetuation of the old, bad system, and the interference of the same bodies in the appointment of the officers might well prove subversive even of such partial good as could otherwise be anticipated. Hamilton resolved to have nothing to do with so faulty a scheme, to share no responsibility for the adoption of so wretched a measure, and though in this respect he stood nearly alone, yet he stood firm. He even ventured to find himself in the odious company of the narrow-minded Rhode Islanders, and, with them and Mr. Higginson of Massachusetts, he recorded a negative vote. A long letter in which he explains his motives and justifies his conduct, addressed to Governor Clinton, has been preserved. It sets forth reasons which all persons must acknowledge to be strong, and most will think to be convincing. "While I would have a just deference for the expectations of the States," he said, "I would never consent to amuse them by attempts which must either fail in the execution or be productive of evil. I would rather incur the negative inconveniences of delay than the positive mischiefs of injudicious expedients. A contrary conduct serves to destroy confidence in the government — the greatest misfortune that can befall a nation. There should, in my opinion, be a character of wisdom and efficiency in all the measures of the Federal Council, the opposite of a spirit of temporizing concession."

One great reform which Hamilton strove at this

time to effect in the theory of taxation then prevalent in this country concerned the basis on which the allotment of taxes was made. It had been provided in the Articles of Confederation that the value of the appropriated land in each State should be determined, and should furnish the ratio in which the whole amount of money required should be distributed into quotas to be raised by the States respectively. It was a bad plan, and was ultimately acknowledged to be so and abandoned. Hamilton was foremost in displaying its defects. "I do not believe," he wrote, that "there is any general representative of the wealth of a nation, the criterion of its ability to pay taxes. There are only two that can be thought of, *land* and *numbers*. . . . The truth is, the ability of a country to pay taxes depends on infinite combinations of physical and moral causes, which can never be accommodated to any general rule. . . . The diversities are sufficiently great, in these States, to make an infinite difference in their relative wealth, the proportion of which can never be found by any common measure whatever. The only possible way, then, of making them contribute to the general expense, in an equal proportion to their means, is by general taxes imposed by Continental authority."

This course, pursued with success ever since the parts became consolidated into a single nationality, was an impossibility prior to the adoption of the Constitution. It was only possible to devise some approximate measure. Hamilton argued that numbers constituted a better standard than the value of land. Numbers could be ascertained with tolerable

accuracy; the value of land probably could not. Officers of the general government employed to go through the country, if devoid of partiality, would also be helplessly ignorant; while the business, if left to the States, would too probably not be done in good faith. Suspicions of unfairness must at least prevail, and would be nearly as harmful as the fact itself. Nor could appeal well lie to Congress from the valuation returned by any State, for the matter would be too delicate and would touch too nearly the honor of the community.

In the discussions on this subject, by which the superiority of numbers to land as a basis was thoroughly established to the satisfaction of all intelligent men, the rule of counting three-fifths of the slaves was first suggested. Mr. Rutledge thought three blacks and one white man established an equation. Arthur Lee said two slaves were not equal to one freeman. Mr. Carroll said four slaves were a fair balance for one freeman. The northern States generally favored the ratio of four to three. The three-fifths rule, finally moved by Mr. Madison, satisfied a large majority.

Another striking point in the broad scheme proposed by Hamilton in the first instance was the exemption from taxation of wool cards, cotton cards, and the wire for making them. Already he developed the plan of nourishing and protecting these industries in the States, fully believing in their future growth and value. Strangely enough Massachusetts, destined to draw such riches from these manufactures, the mother of Lowell and of Lawrence, and thickly covered with manufacturing villages

only less famous than these cities, aided by her vote in the defeat of Hamilton's far-sighted scheme.

Amid the fagot of financial difficulties there was one formidable rod from which the nation narrowly escaped such a scourging as might have proved even fatal. For some time past the army had been advancing from one stage of discontent to another, as the plans for its compensation, present and prospective, appeared to grow steadily less satisfactory. The soldiers naturally felt that whatever other bills might be neglected, at least the price of blood, of limbs, and of lives should be paid. They regarded themselves in the light of preferred creditors. They were not so numerous, nor was their pay so high, that the sums due them could alone constitute a really severe burden. The wrath of these men may be pardoned when one remembers not only the long personal hardships of a most severe service which they had endured, but also that a large proportion of them had wives and children whom they knew to be reduced to the extremity of want at home. As the war drew to a close; as negotiations with Great Britain were portended, and even actually begun; as every one began to foresee and predict the early return of peace, — these veterans became seriously alarmed. The reduction of the army was already discussed, and might be ordered at almost any moment. When this process should be begun, still more when the war should be really at an end, they would be useless. Like their own war-worn muskets they might too be probably cast aside, to wear away in the rusty decay of oblivion and uselessness the remainder of their lives. They had dwelt in camps so long that the

ways of trade would be acquired by them, if at all, with difficulty and imperfection. To be honorable relics and mementoes was all very well; yet the United States has never been a country in which the uniform of rags, in whatever service donned and worn, is treated with unalloyed respect; and at any rate, even as living relics and mementoes, they must find food and fuel, raiment and shelter. Yet the chances seemed to strengthen daily that these necessaries would come to them only in the shape of alms; a prospect justly odious to soldiers who had been fighting for independence.

As these matters were talked over in the leisure of the monotonous camp life in winter quarters among the wooded hills of Newburgh, more and more firmly did the conviction take possession of the minds of the soldiery, both officers and men, that they could not safely permit the subject of their pay to be left open until such time as they should be disbanded and dispersed to their several homes. All the representations of their plight made in Congress either produced no effect, or the most unsatisfactory results. The States were even worse disposed than Congress. It must be acknowledged that the general feeling of a considerable proportion of the people towards this little band of their defenders was mean and ignominious in the last degree. Many persons had the folly to speak of them as likely to become a privileged, pensioned, and idle class. One can hardly read the annals of the times without a sort of grim feeling that if the soldiers had applied a little violence and brought a little terror to the persons and minds of the economical patriots, the retribution

would not have been misapplied or undeserved. Much as disorder is to be deprecated, it must be acknowledged that if a band of mutinous soldiers had appeared with rails and tar, there were several distinguished and influential persons who might have been made victims of these implements of torture without receiving more than their deserts, or exciting the slightest sympathy in any honorable spirit.

Hamilton, as may be conceived from his just mind and generous temper, was the untiring and zealous advocate of the rights of the army. The matter was hastening to a crisis when he took his seat in Congress. He first, by a letter to the secretary at war, formally resigned his own claim to the arrears of pay still due to himself for the term of his military service, and having thus carefully divested himself of the possibility of an imputation which indeed no honorable man could have stooped to make, he plunged into the controversy with all the ardor of his nature. He it was, conspicuously and preëminently, who conducted the cause of his old comrades in arms. He thought and planned for them; he pleaded and argued for them; and to him belongs the chief credit for such success as was achieved for their cause.

In October, 1780, a resolution had passed Congress giving half-pay for life to such officers as should continue in the service to the end of the war. This might have proved satisfactory enough, had it not been for the unfortunate fact that this vote might well be expected to be as utterly void of effect as were many other congressional votes in this unfortunate domain of finance. Even now the arrears of

pay could not be procured. What reasonable chance then could be said to exist that the half-pay, hateful as it was to a large body in all the States, and almost universally contemned throughout the whole of New England and in New Jersey, would be discharged through the years of peace which were to come. Nay, the validity of the act granting the half-pay had already been seriously questioned, and though eloquently defended by Madison there was too much danger that the law would be read by the light of the general feeling concerning it. What the troops now wished for was some security for their half-pay by the pledge of permanent funds, thereby putting them beyond the reach of popular ill-faith or political mutation; or, if this was impossible, then they sought a commutation in the shape of a sum down in cash, or full pay for a short series of years. Long and anxious were the conferences in that dreary camp at Newburgh, and many were the desperate schemes concocted by incensed spirits. At one time a combination to resign in large bodies at a series of stated periods gained a formidable degree of strength. But the framers of the plan yielded to solicitation so far as to forego it and to adopt the more mild measure of an appeal to Congress. Their petition drew a strong and touching, but not an overwrought, picture of their condition. They were impoverished and in debt; they had wearied out their friends with constant importunities for loans requisite to eke out the bare existence of their families. They had had but little pay, and even that little had come to them in paper money worth four pence to the dollar. They now asked that some ready money should be

given them as promptly as possible, and that their dues should be adjusted, with some adequate assurance of final payment; further, they proposed to abandon their right to the unpopular half-pay, in exchange for full pay for a certain number of years, or for a sum in gross.

This document was brought to Congress by a committee of three, — General McDougall, and Colonels Brooks and Ogden. That so important a memorial from so formidable a body of petitioners might not seem to be slighted in the manner of treatment, whatever might be its chances of ultimate success, it was referred to a grand committee consisting of one member from each State. A sub-committee was however appointed to draw up a report, which was submitted to Congress by Mr. Hamilton as chairman, Jan. 25, 1783. The report directed the superintendent to make the desired payment for one month so soon as he possibly could. But for the matter of security it could only state generally that the army, as well as all other creditors of the United States, was entitled to and should receive the pledge of permanent funds. But Virginia, Rhode Island, and Georgia were at this moment making it certain that permanent funds would not be established. So the army found its affairs nowise improved. The disposition of Congress was not very favorable; but this was of the less consequence since the power of Congress, even with the best disposition, amounted to little more than nothing. The temper of the State legislatures, with whom the whole authority resided, was as bad as could be. A grave juncture was foreseen by thinking men to be at hand. Hamilton

wrote to Washington, Feb. 7, 1783, a long and anxious letter discussing the probabilities which seemed to threaten in the immediate future: —

"If the war continues, it would seem that the army must, in June, subsist itself to defend the country; if peace should take place, it will subsist itself to procure justice to itself. . . . The difficulty will be to keep a complaining and suffering army within the bounds of moderation.

"This your Excellency's influence must effect. In order to it, it will be advisable not to discountenance their endeavors to procure redress, but rather by the intervention of confidential and prudent persons to take the direction of them. This, however, must not appear. It is of moment to the public tranquillity that your Excellency should preserve the confidence of the army, without losing that of the people. This will enable you, in case of extremity, to guide the torrent and to bring order, perhaps even good, out of confusion. 'Tis a part that requires address, but 'tis one which your own situation as well as the welfare of the community point out. . . . General Knox has the confidence of the army and is a man of sense. I think he may be safely made use of. Situated as I am, your Excellency will feel the confidential nature of these communications."

How far this letter mapped out the events which soon occurred and the course which was pursued in regard to them we shall forthwith see. Meantime Congress still made some feeble efforts to allay the discontent. Hamilton's committee had reported a resolution commuting the officers' half pay for life to full pay for —— years, either in money or interest-bearing securities, with the option not to individual officers but to the lines of the respective States of accepting this commutation. Officers who had retired on a promise of half-pay, and the widows of those dying in the service, were included in the same provision. The blank before the word years Hamilton

proposed to fill by inserting five and one-half, as constituting the nearest equivalent upon a calculation of the value of the lives of the beneficiaries. It was however filled with the word "five." In this shape the resolution received the votes of seven States, February 28, 1783. By the Articles of Confederation the votes of nine States were necessary, and the report consequently failed to become a law. Simultaneously with news of this fact came also to the camp the intelligence of the conclusion of the preliminary articles of the treaty of peace with Great Britain, a consummation which the army felt to be full of danger to its prospects of obtaining justice.

Affairs were hastening to a crisis, and Hamilton, well advised of what was passing in military circles, warned his fellow Congressmen frankly and fully of what was impending. "Mr. Hamilton and Mr. Peters," says Madison, "who had the best knowledge of the temper, transactions, and views of the army, informed the company that it was certain that the army had recently determined not to lay down their arms until due provision and a satisfactory prospect should be afforded on the subject of their pay; that there was reason to expect a public declaration to this effect would soon be made; that plans had been agitated, if not formed, for subsisting themselves after such declaration; that, as a proof of their earnestness on this subject, the commander was already become extremely unpopular among almost all ranks, from his known dislike to almost every unlawful proceeding; that this unpopularity was daily increasing, and industriously promoted by many leading characters;" that there was a desire "to displace him from the

respect and confidence of the army, in order to substitute General ——— as the conductor of their efforts to obtain justice."

The picture thus sketched by Hamilton was in no respect overdrawn. The officers were now indeed resolved to conduct their own affairs for themselves, and schemes equally vigorous and dangerous were mooted in many a secret conclave. This brooding wrath soon found open expression. On the tenth of March, two papers, neither of them bearing any signature or mark of authorship whatsoever, were sent rapidly and clandestinely through the camp. The one briefly summoned the general and field officers, and a commissioned officer from each company, to meet on the following day "to consider what measures, if any, should be taken to obtain that redress of grievances which they seem to have solicited in vain." The other instrument was a long and singularly able address of a highly inflammatory character, boldly worded and most admirably adapted to excite the passions of the body to whom it was addressed.

The danger foretold by Hamilton in his letter of February 7 was present in full force, and the counsel given by him in the same communication was sedulously followed. Washington at once endeavored to assume the direction of the movement. On the morning of March 13 he issued a general order, characterizing the proceedings as "disorderly" and reprehending them frankly, but calling the officers together on March 15. Forthwith another anonymous address was issued, evidently from the same pen, less denunciatory but more artful than its predecessor, and seeking to involve Washington as an abettor of the

proposed scheme. On the same day Washington wrote a long letter to Hamilton, to whom in this emergency he seems to have turned not only for aid and advice but for sympathy also. It was impossible for either of them to avoid a strong feeling in the case. Pressing Hamilton to renewed efforts, Washington said: "The situation of these gentlemen, I do verily believe, is distressing beyond description. It is affirmed to me that a large part of them have no better prospect before them than a jail, if they are turned loose without liquidation of accounts and an assurance of that justice to which they are so worthily entitled." Hamilton immediately replied, but he had little more than old and oft-deceived hopes to communicate.

At the appointed day and hour the officers assembled. General Gates, the second in command, presided. Washington came forward, and for the first time in his life was received by the assembly of his subaltern officers with an aspect of coldness. He arose, holding in his hand a paper on which he had sketched the points of his address. The momentous solemnity of the occasion, fraught with all the possible dangers which untoward action taken by that body of men might have upon the new nation, awed even him; he paused, the tears rose to his eyes and dimmed his sight: he could not read his memorandum, and removing his glasses to wipe them he said simply and pathetically, "Fellow soldiers, you perceive I have not only grown gray but blind in your service." The remark, and the sight of their dignified commander so deeply moved, softened his auditors. At the close of his address he retired, leaving them

to debate and determine unembarrassed by his presence. Forthwith General Knox, the fittest man as Hamilton had intimated, assumed the leadership of the meeting. He moved and General Putman seconded a resolution, assuring Washington that his officers reciprocated his affectionate expressions with the greatest sincerity of which the human heart is capable. This was passed by a unanimous vote, and was followed by others declaring that neither distress nor danger should induce the officers to sully the glory and reputation earned by their blood and by eight years of faithful service; that they still placed unshaken confidence in the justice of Congress and of their country; that the commander-in-chief be requested to write to Congress, entreating a speedy decision on the late address presented by the committee from the army. Thus was this ominous cloud dispersed by the magnanimity of that noble band. Yet how sadly and how shamefully was their "confidence in the justice of Congress and of their country" misplaced, every reader of American history knows too well. In vain Washington and Hamilton and their few honorable coadjutors strove to stem the tide of a debased public sentiment. After all the anxiety and excitement, the army carried to poverty-stricken families only the muskets which the liberality of Congress allowed them to retain, and debts and promises which long continued to form the disgrace of the redeemed people.

Upon the receipt in Congress of the full story of the Newburgh disturbances, Hamilton brought forward a resolution declaring that "Congress consider the conduct of the commander-in-chief on the occasion of

some late attempts to create disturbances in the army as a new proof of his prudence and zealous attention to the welfare of the community; that he be informed that Congress also entertain a high sense of the patriotic sentiments expressed by the officers in their proceedings, which evince their unshaken perseverance in those principles which have distinguished them in every period of the war, and have so justly entitled the troops of the United States to the esteem and gratitude of their country, and to the character of a Patriot Army." The resolution was adopted. If the army could not have money, it was at least impossible to begrudge it fair words and compliments.

It was an object with those who "thought continentally" to keep all the public creditors united in a combined, harmonious, steady persistence in the effort to obtain a grant by the States to Congress of some permanent and certain revenue. In such a combination the army played an important and conspicuous part. But any thing in the nature of military interference was strongly deprecated. The fact that Hamilton suggested the details of the plan which suppressed the incipient disturbances ought to have sufficed to protect his reputation from every suspicion of covertly encouraging or abetting violence. No one certainly put himself more clearly on the record in favor of order than he did. "But supposing the country ungrateful," he wrote to Washington, "what can the army do? It must submit to its hard fate. To seek redress by its arms would end in its ruin. . . . There would be no chance of success without having recourse to means that would reverse our Revolution." Yet, in spite of this convincing evi-

dence, it did happen that Hamilton was subjected to insinuations of having secretly fomented the discontent of the army in order to use it as a means of furthering schemes of his own. The skilful and vigorous tone of the famous Newburgh addresses caused some persons at the time to attribute them to him. But their authorship has long since ceased to be a secret, and every one now knows that they were written by Major John Armstrong, then an aide-de-camp on the staff of Gates, subsequently minister to France under Jefferson, and Secretary of War in Madison's cabinet. The slender foundation for such imputations against Hamilton rests wholly upon the fact, that he and many other able and public-spirited men of the day felt that they could turn to a good use the pressure of the army upon Congress and the States, so far as it tended even by the operation of fear to induce the establishment of permanent funds. But any thing like the application of force they dreaded as too surely fatal to this usefulness.

But there was still in store for Congress one other vexation caused by discontented and unpaid troops. A body of new levies encamped in the neighborhood of Philadelphia mutinied, and a part of them marched into the city and surrounded the building in which Congress and the State Council were both in session. How far the demonstration was aimed at the national body, and how far at the local authorities, it is not easy to determine; but certain it is that Congress felt itself subject to military surveillance. Hamilton was upon a committee to consider the situation and advise as to the proper action to be taken. He reported that satisfactory protection could not be furnished in Phila-

delphia, and a removal to Princeton was consequently determined upon and carried out. The *émeute* was soon after quelled without any grave mischief having occurred. The ringleaders deserted their followers, who then surrendered at discretion.

When the whole trouble was thus quietly over, some strictures were uttered concerning the departure of Congress as though it had been premature and needless. Hamilton was very indignant at so utterly groundless an insinuation, and hastened to collect evidence and to give reasons concerning his motives, which have ever since been accepted as satisfactory. In an elaborate letter to Reed he vindicated the conduct which he had recommended, and for which he felt himself in a measure prominently responsible. He had been very loath to see the departure take place by reason of the ill appearance it would have both at home and abroad. But the reputation which would follow an actual assault, accompanied perhaps with bloodshed, would have been infinitely worse and was by no means to be hazarded. Not the slightest assistance could be expected if any accident had once moved the spirit of wrath in the breasts of the mutineers. An intoxicated man, an insult, a push, or a blow exchanged between a soldier and a civilian, might not inconceivably have led to a "scene of plunder and massacre. It was the height of rashness to leave the city exposed to the bare possibility of such mischiefs." However the members "might have had a right to expose their own persons to insult and outrage, they had no right to expose the character of representatives, or the dignity of the States they represented, or of the Union." They could not deliberate with propriety in such a

state of things. Nor was it impossible that the mutineers might be induced to seize their persons and hold them as hostages. In that event, what an outcry would have been raised because Congress had failed to place itself beyond the reach of such ignominious and disgraceful perils! An indirect result materially furthered, if not originated, by this affair was the scheme for setting apart some place wherein Congress should meet, and in which it should have exclusive jurisdiction.

It was pending these debates concerning the pay of the army, permanent funds, and the impost, that Hamilton ventured to propose the great innovation of giving to the public free ingress to the chamber of Congress. Heretofore, the deliberations of that body had been secret. But this good old-fashioned European way of legislating by no means commended itself to Hamilton's understanding, especially at this juncture when it was of the utmost importance that popular feeling and opinions should be trained to a full appreciation of the necessities of the time. Confident of the soundness of the views which he entertained, and persuaded of the strength of the arguments urged by his own party, Hamilton's earnest purpose was to get these views and these arguments before the people in the most full and thorough manner possible. Conviction might be expected to follow; and if the mass of the intelligent men in the country could be persuaded to take up the cause of the army, and the principle of national funds, and a continental system of taxation, it might still be possible to save the Confederation from the last stages of decadence and disgrace.

The motion was made, and only one gentleman, a delegate from Rhode Island, found any thing to say against it. His valuable suggestion was that if Hamilton was anxious to display his eloquenee he should address the people from the balcony. But though no other gentleman spoke against the measure there were abundant votes against it, and the motion was defeated. A few months later Hamilton seconded a motion of similar purport introdueed by James Wilson. This second time there was a little diseussion, but a large majority voted in the negative. Hamilton and Wilson and their few baekers were several years in advanee of their fellow delegates. Even after the adoption of the new Constitution, the jealousy of the Senate preserved seereey in all its proceedings until 1793.

Long before Hamilton had taken his seat in Congress negotiations for peace had been entered upon. Seldom has diplomacy been more laggard than it was in these proceedings. Many warring nations were to be reconeiled; a eonfused tangle of eonflicting interests was to be straightened out; concessions were to be slowly wrung from unwilling disputants; British prejudiees and British pride were to be painfully and reluetantly compelled over what seemed to nearly every man in the realm the road of national humiliation. Most wearisome, vexatious, and harassing were the parleyings in Paris where the business was passing. If, among all parties concerned in those negotiations, the United States had most reason to be satisfied with the final result, it was beeause from the outset her ambassadors enjoyed the important advantage of elearly eomprehending the few plain, defi-

nite, substantial ends which they had in view; because in the pursuit of these ends they never wavered or wore for a moment the appearance of hesitation; because by no indirection or shuffling did they give the smallest ground for the suspicion of any concealment or of any double-dealing upon their part; because by no bargaining or trading did they permit any person to retain the impression that they might, if hard pressed, be induced to yield any material demand advanced by them. It was by virtue of their resolute, straightforward plain-dealing that they ultimately achieved a more full success than was secured by the traditional manœuvrings of the skilled diplomatists of England, France, or Spain. But the labor was long and trying. Time was required in order to teach the lesson that John Jay and John Adams, and even Benjamin Franklin (though in him there was an element of the fox-nature), were men of their word, dealers in truth and not in falsehoods. And when at last this fact had fairly worked its way into the astonished comprehensions of European negotiators it gave to these three men an authority and influence which those who dealt with them felt and succumbed to. It was the first instance of the introduction of American principles and methods of work into Europe.

With the negotiations themselves Hamilton had nothing to do. Had it not been for his generous withdrawal from a foreign mission in favor of Laurens, this might have been otherwise. The United States did not control the services of a man more thoroughly fitted by nature for diplomatic tasks than was he of whom some years afterward Talleyrand, no bad judge, said, "Il avait diviné l'Europe," that he

comprehended European politics by inspiration. One cannot but regret that he lost the opportunity, though in so honorable and disinterested a manner. Yet lose it he did, and the history of the transactions at Paris is so far collateral to the thread of this narrative, that it must be given only in the briefest shape.

The idea of treating with the rebellious colonies at all was so exceedingly distasteful not to say offensive to the British mind, that it was only very gradually admitted and very gingerly acted upon. Private gentlemen were set to work by hints and innuendoes to convey to American envoys at continental courts the pleasing information that the British lion was in a relenting mood, and might perhaps by proper soothing appliances be induced to forego his savage intention of crunching the mutinous colonial bones. By such means communications were at first opened. But a serious obstacle was at once encountered, and oddly enough one of the first manifestations of it occurred inside the British cabinet. Did the management of the business rest with the department of foreign affairs or with the department of the colonies? Each claimed it. This little domestic disagreement was of small account in itself, but it was only the first stage, or rather the symptom, of a much more grave embarrassment. The British proposed to treat with the colonies. The American ambassadors insisted that the United States were no longer colonies, but a free and independent nation; and that they must be acknowledged as such from the outset, and must be treated with as such. A hard fight took place upon this point, which, though in a certain sense formal, was yet felt by the Americans to be to

them essential. It was not felt to be essential to the British, however, and hence it naturally came to pass that, when the persistence of the one party was matched against that of the other, victory inclined to the side of those who were convinced that they had matter of real substance at stake. So at last the Englishmen yielded.

But this result, so simply stated in three words, was by no means quickly or easily obtained. The burden of the prolonged and vexatious discussion which led to it was borne by John Jay, and little help did he get from that quarter whence his countrymen across the Atlantic fondly hoped and imagined that he would receive all possible aid and comfort, valuable support, and friendly advice. The Count de Vergennes was resolved that the United States should be henceforth a free and independent nation. This fact was all-important to him; but the manner in which it should be established was, on the other hand, totally unimportant to him. Whether it was directly asserted *in totidem verbis*, or was left to be inferred; whether the acknowledgment of it should be specifically made and should precede the treaty, or whether it should be set forth in the treaty, — these questions were to him points of insignificant detail, and by no means worth quarrelling about. That if independence was not made a basis of treating at all, then that it must be agreed to in the treaty, he was brought to declare. But farther than this he could not be induced to back the Americans with his concurrent opinion. The dispute involved the pride of the English; something more than pride on the part of the Americans; but for France it involved nothing

whatsoever either in fact or in sentiment. Vergennes, whose statesmanship was conducted upon principles national indeed but purely selfish, regarded it solely from the standpoint of French interests; he did not try to look at it in the light of American feelings. He was far from placing or even seeking to place himself in sympathy with the American ambassadors; he did not think it worth his while in this instance to simulate what he did not feel, though on other occasions very willing to do so, and would not be at the pains of furnishing to his allies the moral encouragement of seeming to agree with them. On the contrary, he offered them the moral discouragement which was embodied in lukewarm counsels, and in advising them to make material concessions. How, he asked them, could they insist that the effect should precede the cause? But this question went to the root of the whole difficulty; they did not conceive the treaty to be the cause of the national independence, which was already an established fact. Venturing to act counter to his suggestions, they carried the day without being obliged to him for any assistance.

Early in the negotiation a singular vote had passed the American Congress; a vote in which gratitude degenerated into servility; a vote by which the new nation, whose ambassadors we see so sensitively standing out upon this nice point of a preëxisting freedom and independence, did a kind of homage and in some sort acknowledged a practical fealty to its powerful ally, the king of France. The commissioners in Paris were, by this most painful and astonishing vote, ordered to do nothing save by the counsel and with the consent of the Count de Vergennes! They were

bidden "ultimately to govern" themselves by his "advice and opinion." The fate of America, it seemed, could not be safely entrusted to her own commissioners, — to Jay, Adams, Franklin, Laurens, — but must needs be handed over to the minister of an European monarch. It should be remembered that Congress had but meagre information as to the true motives and purposes of this wily Count; they had seen and experienced nothing save sound and honest aid from France. They might be excused for wishing the inexperience of their untrained envoys to be supplemented by the astuteness of this cleverest of living diplomatists. But even after making due allowance for these considerations, it must be acknowledged that Congress went a great deal too far, and debased itself and humiliated the country by its action. Such was felt to be the character of its proceedings by high-spirited men at home. Hamilton and others of his stamp had their indignation strongly aroused, and never at the time or afterwards sought to conceal their manly and honest sense of disgust at such a sacrifice of national honor.

With the American representatives abroad the first impulse aroused by the receipt of these instructions was forthwith to resign their commissions, to throw up the whole business in wrath and contempt, and to leave it to others, to men of a less high spirit, to conduct so ignoble and slavish a business. They saw enough and suspected more of the indifference not to say the insincerity of the Count de Vergennes. They saw what Congress could not see, that in his hands the interests of America would be coldly considered and disingenuously pursued, and would be

treated as articles of barter to be used for the advantage of France. Fortunately, however, they were too brave and too patriotic to adopt the course which anger at first suggested to them. They resolved, after what anxious thought may be imagined, rather to disobey Congress than to desert their country. Act in any real subservience to the Count they could not; act in an apparent subservience they would not. To consult him when they neither wished his advice nor intended to follow it, but merely for the purpose of hoodwinking him and obeying the letter of their orders, was not in the nature of such men. They were too unsophisticated, perchance. They determined to treat for themselves, to make their own terms, and decide for themselves concerning their demands and their concessions. It was a bold and momentous resolution; but Jay and Adams were not men to shrink from it for this reason, and Franklin imbibed courage from courageous comrades.

So they went on to discuss with the English envoys various other matters, — the boundaries, the fisheries, the restitution of slaves, reparation to loyalists in the States, &c. Count de Vergennes cared little about the fisheries; indeed there is reason to think that he would have been not unwilling to see the Americans excluded from them altogether. He was not averse to seeing them shared between England and France, to the exclusion of all other comers. Neither did he take a lively interest in the matter of boundaries, except indeed for one purpose which will be hereafter mentioned. Provided only that Canada remained as a check upon the United States he was satisfied; and of this there could be no doubt,

though Franklin especially had a great longing for annexation. But it was soon apparent that there was no chance of it. So the Count let the private treating go on without reproaches or complaints, secretly resolved not to let "unjust demands" of the United States stand in the way of French negotiations, but otherwise content to let his allies work out their own salvation by their own efforts, and in such shape as should suit themselves. He knew well enough what they were about; he knew that they had been bidden to be guided by him, and of course he also knew that they were not consulting him. But he did not care; he was perfectly satisfied. So the commissioners determined upon the preliminary articles of a treaty of peace without objection upon his part. Only as the United States was bound not to make a separate peace before an accommodation should likewise be effected by her allies, it was expressly saved that the treaty should not go into effect until terms of a general pacification should also have been agreed upon.

It was only after this stage had been reached and was openly acknowledged and generally known to have been reached, that the Count de Vergennes displayed real or simulated indignation, and accused the Americans of bad faith. There were not wanting many upon this side of the water, whose imperfect knowledge of the true history of the transactions in Europe led them to sympathize with these complaints of Vergennes, and to think that our commissioners had really served him a somewhat scurvy trick, and had blamably disregarded the imperative instructions of Congress. But this spirit would have acquired no

very great strength, especially in the face of the universal joy diffused by the expectation of returning peace and the knowledge of a treaty thoroughly satisfactory in its terms, had it not been for the existence of one fact. The treaty contained a secret article; and when the other articles were made known to France, this was altogether withheld. It arose thus: The boundary line between the Spanish possessions and the United States was in dispute, as was also the right of the latter country to navigate the lower Mississippi into the Gulf of Mexico. It was very doubtful what divisional line the States might finally be obliged to accede to, and what privileges they could establish concerning the use of the river. In this latter question the British also felt an interest. Certain facts which had come to the knowledge of Jay persuaded him that in any controversy between Spain and the United States France would cast her influence in favor of Spain. That country wanted Gibraltar; and since she stood no chance of getting it, she would surely require a very large substitute to make her at all contented. Naturally enough, the French minister thought that it would be a fine escape from the difficulty to carve this substitute out of the extensive territories of North America. Hence it was naturally to be supposed that, in any arrangements between Spain and the United States, the latter country could but dubiously depend upon the good offices of France. In this condition of things certain arrangements with England were made to depend upon the result of the Spanish negotiations; Great Britain abandoned her claims to the country above the Yazoo; and the United States abandoned

her claims to the country below it, contingently upon the possession of Florida. Under the circumstances it was not considered to be safe to furnish knowledge of this conditional stipulation to France, because of her supposed Spanish bias. Hence the negotiators sought refuge in this secret article, and by it established a boundary in the alternative, so to speak, dependent upon whether Spain should or should not become mistress of the Floridas.

When these preliminaries and this secret article reached Congress a dreadful storm was raised. The French partisans were beside themselves with rage. Their assaults upon the commissioners were unmeasured in violence. They accused these gentlemen not only of disregarding their instructions, — which indeed they had done, though most wisely and heroically, as has ever since been admitted by persons of nearly all shades of political opinion, — but also of bad faith, of which certainly they were not guilty, and of dishonoring the country by the display of ingratitude and disingenuousness towards a tried and trustworthy friend, a charge which also was certainly not true. The propriety of the secret article must be acknowledged to be questionable. The necessity which seemed to compel making it was much to be deplored, and was perhaps not so stringent a necessity as it appeared. It is hard now to judge accurately of the matter. But necessary or unnecessary, it did not justify a vote of censure which some gentlemen had the hardihood to propose in Congress. The most which any moderate dissatisfaction could prompt would be the instant communication of the article to Vergennes. Yet in considering the propriety even

of this measure, it should be remembered that this article had no bearing whatsoever upon any real French interests. It could concern Vergennes only so far as it might affect his power to trade and change about equivalents among the various parties to this complicated business. So far as any rightful purposes which he might entertain went, he could do as well without a knowledge of this article as with it. But for wrongful or questionable purposes he might find it extremely useful. The controversy really was therefore, or, if the facts had been properly understood, should have been: whether it was wise and prudent to trust him with a knowledge which he could not use for our good and which he might, if so minded, use for our harm. There can be little question that reticence was the part of caution.

In debate a variety of opinions were expressed, and several resolutions were offered; among them the following, by Hamilton: That, as Congress are desirous of manifesting at all times the most perfect confidence in their ally, the secret article should be communicated to the minister of France by the secretary of foreign affairs; and that he inform the commissioners of the reasons for that communication, expressing to them the desire of Congress that they will upon all occasions maintain perfect harmony and confidence with an ally, to whose generous assistance the United States are so signally indebted; that Congress entertain a high sense of the services of these commissioners, for their steady attention to the dignity and essential rights of the United States, and in obtaining from the court of Great Britain articles so favorable and so important to those interests.

Hamilton seems in this matter to have been inclined to steer a middle course between the extremists upon either side. During the course of the debate he gave utterance to his sentiments substantially as follows: He could see grounds in the action of the French minister for watching him with caution and vigilance. It might be that he was not acting in the very best of faith, though this by no means certainly appeared. On the other hand we had every reason for thoroughly suspecting the sincerity of Great Britain. Her "past cruelty and present duplicity" proved this. As between the two cabinets — for it was a question of cabinets not of peoples — it was easy to say with which our resentments and our jealousies should rest. The instruction subjecting our commissioners to French advice he had uniformly disapproved; but he had always judged it improper to repeal it. He disapproved of the conduct of the commissioners in actually signing the preliminary articles before communicating them to De Vergennes, and more emphatically he disapproved of the secret article. He was now in favor of communicating it. Yet he thought the commissioners should in a general way be commended, and certainly should not be recalled or rebuked. It is also desirable in another connection to note the moderate tone of this speech, and to observe that such sympathies as it evinces are French. It shows very plainly that at this time Hamilton cherished no antipathies to France, no prepossessions for Great Britain; indeed, his feelings seem to have been rather of the opposite bent, a fact which later in this narrative it will be important to bear in mind.

In the height of the dispute, when there seemed not the slightest prospect of an emergence from the imbroglio, a sudden and fortunate delivery was experienced. The importance of the controversy was wholly eliminated by the receipt of news from Europe of the signature at Paris on the twentieth day of January of the preliminaries of a general peace. It was no longer a matter of any consequence whether the ban of secrecy was removed from the article or not. What good or ill it could do had been done. The fuel which had fed the flames of wrath being thus opportunely withdrawn, the discussion was indefinitely postponed and was never renewed. The battle ceased without a triumph for any of the numerous combatants.

At a later date, looking back upon this period, Hamilton wrote that upon first going into Congress he "discovered symptoms of a party too well disposed to subject the interests of the United States to the management of France." For himself, he acknowledged "a lively sentiment of good-will towards a power whose aid, dictated not improperly in some measure by its own interest, had yet been extremely useful to us, and had been afforded in a liberal and handsome manner." Only any undue "preponderance of foreign influence" he was resolved to combat. Among the fruits of this French bias, he mentions the "celebrated instructions to our commissioners," which "placed them in a state of dependence on the French ministry, humiliating to themselves and unsafe for the interests of the country. This was the more exceptionable as there was cause to suspect that, in regard to the two cardinal

points of the fisheries and the navigation of the Mississippi, the policy of the cabinet of Versailles did not accord with the wishes of the United States." The commissioners "had the fortitude to break through these fetters," and by so doing doubtless "accelerated the peace with Great Britain and improved the terms, while they preserved our faith with France. Yet a serious attempt was made to obtain from Congress a formal censure of their conduct. The attempt failed, and instead of censure the praise was awarded which was justly due to the accomplishment of a treaty advantageous to this country beyond the most sanguine expectation. In this result, my efforts were heartily united."

Throughout this excited controversy Hamilton is found taking substantially the same views which are taken now by historians removed by the lapse of a century from the friendships and enmities, the prejudices and suspicions, of those days. More and more, as opinion crystallizes concerning the history of the treaty, posterity is content to admit the selfishness dashed with duplicity of the Count de Vergennes, the courage and good conduct of our commissioners.

Before the definitive treaty arrived Hamilton had left Congress, where no further business of importance detained him, and hastened to Albany to resume his professional business. Nor could any urgency, though vigorously applied, induce him to forego his resolution of retirement and again to enter into public life. He was not willingly spared. Jay wrote to him regretting his determination. McHenry wrote expatiating on the golden opinions which he

had won among his colleagues in Congress. From all quarters came the same language. But Hamilton's resolve was invincible; already, while such letters were reaching him, he had plunged deeply into professional labors.

CHAPTER V.

PROFESSIONAL LIFE.

In the negotiations concerning the treaty the English commissioner had labored hard to protect the Tories in respect of their property as well as of their persons. But these efforts had met with very little success. Whatever might have been the personal sentiments of Jay, Adams, and Franklin, those gentlemen were too well aware of the condition of feeling in the States to enter into undertakings which would inevitably be repudiated and bring the entire labor to naught so soon as news of them should be wafted across the Atlantic. Accordingly the preliminary articles and the definitive treaty, in identical language, provided that there should be no farther confiscations, no new prosecutions; and for the sake of formally saving the honor of Great Britain, which was said to be committed to the reimbursement of the losses suffered by the Tories, it was also stipulated that Congress should "recommend" to the legislatures to pass such laws as would enable the loyalists to recover their confiscated estates, by paying to the present holders such sums, if any, as might have been actually paid by these holders. But the futility of such recommendations was not concealed.

The honest American negotiators frankly said that though they would insert the desired words, yet the advice when given would never be followed.

As between the patriots and the Tories the contest had in fact been a civil war, and had been marked with all the wonted hatred attending such conflicts. Peace brought with it no alleviation of this acerbity. The triumphant party was inclined to push confiscation and banishment to the extreme limits that merciless ingenuity could suggest. The recommendations called for by the treaty were laughed to scorn; the only question was, whether its positive contracts in favor of the odious faction should be observed. The disposition to disregard them was dangerously strong, and in many quarters a willingness was manifested even to endanger the new and imperfectly assured tranquillity by enactments and practices in direct contravention of the distinct and absolute provisions stipulating against farther prosecutions, and against the interposition of legal obstacles to the recovery of debts and property.

In New York such feelings ran to a height beyond that reached in any other of the thirteen States. There the loyalists had been strongest at the beginning of hostilities, and the nearly equal division of the parties had increased their animosity. Afterward the occupation during so many years of the city of New York by the British forces had been productive of immense pain and loss. The patriots had been driven from their homes, separated from their property, debarred from their wonted means of securing a livelihood. Foemen had occupied their houses and maltreated the homesteads and the household gods, as

such tenants are wont to do. Loyalists had succeeded to the trade and secured the emoluments which the friends of liberty had been obliged to abandon. To recoup these great damages was now the vehement resolve of a party powerful apparently to the point of being fully dominant both in numbers and influence. Governor Clinton threw the whole force of his great popularity, his energetic character, and his strong though not broad intellect upon this side. Samuel Adams was playing the same part in Massachusetts. Such leaders would alone have made the party which followed them formidable, had it needed to rely upon vigorous and able generalship to secure success; but it seemed to have sufficient inherent brute force to achieve a triumph under a much feebler hegemony.

It was with deep sorrow and anxiety that the more catholic and dispassionate members of the patriot party regarded this potent and dangerous tide of popular sentiment. It threatened to overwhelm them, if they tried to stem it. But fortunately they were men who did right without counting the chances, and an unexpected degree of success finally rewarded their efforts. It fell to Hamilton to take an early and a prominent part in this controversy.

The legislature of New York had passed a "Trespass Act," whereby an action of trespass, for the recovery of damages, was given to persons who had left their abodes in consequence of invasion, against those persons who had subsequently entered and remained in possession of those abodes. Justification of such occupancy by virtue of a military order was expressly precluded. The sweeping effect of this enactment is seen, when it is remem-

bered that nearly all the buildings in the city of New York belonging to patriots had been the objects of such abandonment and occupation during the many years that the town was held by the British troops. The first case that arose was one in which the whole burden of sympathy was cast into the scale in behalf of sustaining the validity of the enactment. A widow, who had been driven into exile and reduced to poverty by the war, instituted a suit against a rich Tory merchant who had been enjoying her real estate beneath the protecting shadow of the hostile flag. A large amount of property was directly at stake, and indirectly the decision, being rendered in a test case, would govern the demands for vastly greater sums. Hamilton was applied to, and dared to hold the brief for the defendant. He could scarcely have taken any step which would have more surely brought down upon him an intense and widespread odium. A striking parallel, perhaps the only one afforded by American history, for his action is the behavior of John Adams in undertaking the defence of the British soldiery arraigned for murders committed at the "Boston Massacre." The high rule of professional honor, which bids a lawyer never to refuse to act for a client because that client has the misfortune of lying beneath the ban of public animosity and oppression, might have obliged Hamilton to undertake a case of this nature reluctantly. But there were no marks of reluctance or lukewarmness in the way in which he entered upon his task. It was not only a technical professional duty to accept the case, but it was a moral duty to argue it with all his ability, and it may be said that it was a

national duty to win it if winning were a possibility. For there was more than a mere question of law at issue: there was a great principle of immutable public right and justice to be vindicated. He felt this, and that it was his bounden duty to triumph. In no effort of his life is there apparent greater thoroughness of preparation, or greater earnestness in prosecution.

Under the untoward condition of the facts there was nothing for him to do save to argue the question of law. The rich merchant and the poor widow were kept in the background; they were the mere John Doe and Richard Roe in a cause where the individuals were nothing and the principles were every thing. Upon one only chord of feeling or prejudice was Hamilton able to touch, and that was the pride of the court. This he handled with some skill at the outset, begging the bench to remember that it was no longer the local court of a colony, but a high tribunal to which the eyes of nations must be turned with curiosity to see how it could rise to meet the trying demands upon intellect and character made by an occasion like the present. The point in issue must be decided by the law of nations, which must control not only because it was omnipotent among all civilized peoples, but because it was a part of the common law, which was the law especially of this land. It was a necessary and established doctrine of that code, that the fruits of immovables belong to the captor so long as he remains in actual possession of them. Apart from this doctrine, also, the plaintiff could not be allowed to prevail save by a violation of the treaty. The amnesty established by that instrument extended

to private persons as well as to the contending peoples in their national capacity. Nor was it possible to say that the Congress of the United States had not power to make that treaty, to include in it this stipulation of amnesty, and to bind the State of New York by the terms thereof. The constitution of New York recognized the Confederation which gave to Congress the full and exclusive powers of war, peace, and treaty-making. If Congress had entered into undertakings affecting the private rights and property of individuals, it must be remembered that, as regards all foreign nations, the property of the individual is the property of the State. Nor could disapprobation of the action of Congress justify the State of New York in annulling the obnoxious undertakings; for each State in the Confederation stood in the position of a party to a contract which it must abide by unless released by consent of all the other parties. The peroration was a strong appeal not to shatter the Union by the deliberate breach of the organic contract by which alone it existed.

The speech delivered upon this memorable occasion was an excellent illustration of Hamilton's oratory. It was very full and elaborate. He never was content with suggesting arguments or considerations to his hearers, nor did he ever deliver an address which had the appearance of being the partisan presentation of only one side of a question. He preferred to make a thorough exploration of the whole matter; he stated the positions taken by his opponents almost as fully as he set forth his own confutation of those positions. When he closed, he left upon his hearers

the impression, generally correct, that they had been over the whole ground, not over selected parts. In addition to this power of constructing an argumentative speech, he excelled much more strikingly in the capacity of enchaining the attention of his auditors. He was an orator as well as a thinker. What he had thought out with the Scottish logic which he was entitled to through his father, he uttered with the French fire which came from his maternal ancestry. He spoke with that fervid vigor which not only evinced his own conviction, but forced conviction upon his hearers. He compelled attention; his large and brilliant eyes held his audience by a fascination more agreeable but not less potent than belonged to the glance of the Ancient Mariner. Listeners never yawned or allowed their eyes to wander or their lids to droop when he was speaking even on the dryest points of constitutional law.

Thus in the present instance he actually forced from most reluctant men a decision in favor of his client. Hostile prepossessions, dread of public abuse, selfish considerations arising from the temporary tenure of the judicial office, no less than the arguments of his opponents, were all overcome. Unwilling lips pronounced a judgment in his favor, and a triumph less conspicuous but more difficult than the many which yet awaited him in public life was thus honorably won.

Loud was the reprobation which followed this victory of justice. A few days later a large public meeting was held, and an address to the people, reputed to have been written by Melancthon Smith, was adopted. It admitted the ability and learning

of Hamilton's argument, but exhorted the people to elect senators who would allow no curtailment of the privileges of the people, and who would afford protection from judicial tyranny. Shortly afterward the legislature met, and at once, without waiting for proceedings by appeal, took this decision under consideration and passed condemnatory resolutions concerning it, declaring it to be subversive of all law and good order, and recommending the council of appointment at their next session "to appoint such persons mayor and recorder of New York as will govern themselves by the known law of the land."

Later, being a member of the Assembly, Hamilton moved a reference of this obnoxious Trespass Act, together with another concerning debts owing to persons within the enemy's lines. The laws were accordingly sent to a committee of which he was chairman. The bill which he introduced and supported by one of his full and eager speeches was passed by the House, but was thrown out by the senators in whose chamber his arguments and oratory unfortunately could not be heard in favor of his measure.

Meantime the torrent of popular revenge swept resistlessly onward, scarcely experiencing so much as a momentary perceptible check from this judicial opinion. No person was allowed to vote at any election unless he could under oath purge himself of all past offences against the country. The petitions of proscribed persons asking leave to return to their homes were rejected. It was declared that adherents of the enemy could not justly be restored to the rights of citizenship. The governors of the several

States were requested to interchange lists of persons who had been banished. A bill passed the legislature, but fortunately failed to pass the revisionary council, disfranchising all persons who had voluntarily remained in parts of the State in occupation of the British troops, and declaring them guilty of misprision of treason, without the formality of trial. The council said that such a bill would so nearly depopulate many neighborhoods as not to leave enough men to fill the necessary offices for conducting an election! These and other similar proceedings excited the indignation and the resolute opposition of the best men in the State, and especially of Hamilton, who made himself conspicuous in his efforts to restrain these excesses.

It was for this purpose that, to his own pecuniary loss, he snatched time enough from the pursuit of his profession to write the pamphlet which became known, from its signature, as "Phocion." It was a strong appeal in favor of moderation and respect for law and justice. It was widely read throughout the States, and was even republished in London. Naturally it drew forth many replies, to one of which, written by Isaac Ledyard under the signature of "Mentor," Hamilton was induced to address the "Second Letter of Phocion."

The statement that Hamilton's pamphlets could not be satisfactorily encountered might be supposed to emanate from a too friendly or prejudiced biographer. But the sentiments of his adversaries themselves may be inferred from a simple but significant fact. A club of gentlemen, who were earnestly and conspicuously engaged in combating the views of

Phocion, met one evening and began to discuss the two famous letters. So fierce was the sentiment of animosity which this conversation developed, that a proposition, made by one of the members with the view of for ever silencing their antagonist, was readily agreed to by the rest. This was no less than that the members of the club should, one after another, challenge Hamilton, until in the continuous series of duels some one should have the good fortune to destroy him! It was the fortunate appearance of Mr. Ledyard at this juncture, and his abhorrent denunciation of so villanous a conspiracy, that alone prevented the consummation of the plot. Hamilton heard of this occurrence, and knew that he owed his escape to the intervention of his adversary, Mentor, but did not know who Mentor was. Not long afterward, it happened that both gentlemen met at the table of a common friend. One of the guests chanced to address Mr. Ledyard by his *nom de plume*. Hamilton at once sprang up, and seizing his hand cried out, "Then you, my dear sir, are the friend who saved my life?" Mr. John C. Hamilton, in narrating this little anecdote, says that Ledyard replied, "That, you know, you once did for me." But to what incident this response had reference I have been unable to discover.

If Hamilton's action in this matter had the result of making him hated by many, it also had the effect of making him respected by the more intelligent members of the community. It brought to a high point his reputation for forensic ability, and thus probably increased rather than diminished the amount of his professional practice, in spite of the

enmity it excited. At any rate, his business was ample to occupy all the time which he could give to it, and left him no right to complain that the path of the law was either slow or arduous. Clients of the best class were abundant; and he wrote that legislative folly had afforded so plentiful a harvest that he had scarcely a moment to spare from reaping. The case of the British merchant was not the only instance in which he was able to combine professional functions with service of the public. In the universal financial disorder, all sorts of schemes, practicable and impracticable, wise and foolish, were suggested and urged. Among others, a land Bank was sought to be established, according to plans put forward through a person who was understood to be the agent or mouth-piece of Chancellor Livingston. Unsound as the scheme was, its parentage secured for it a considerable degree of favor. It was however opposed successfully by wiser men, among whom Hamilton was prominent. These persons succeeded in establishing upon good business principles the Bank of New York. Hamilton drew the constitution, was elected a director, and made chairman of the committee deputed to draft the by-laws.

About this time there was organized by the officers of the army the Society of the Cincinnati. Its design was to form a military brotherhood, necessarily limited in numbers, to be composed of the American and French officers who had seen service in the Revolutionary war, with descent to their eldest male posterity, and, in default thereof, to collateral branches. A golden eagle and a ribbon were adopted as a badge. A fund was also to be raised by contribution to aid

such members, or families of members, as might fall into pecuniary straits. Persons living to-day see this organization, though still in existence, yet almost forgotten and quite ignored by the mass of the people, a matter of harmless pride and mild interest only to its own immediate members, more impotent for practical purposes than a railroad corporation or a political dinner club. Not without difficulty can we conceive that it was ever regarded as a plan fraught with political and social dangers. For though changes were promptly made in the original constitution, yet it is easy to see that without those changes the result must have been equally harmless. But the suspicious spirit of the times saw in the association the establishment of an aristocracy. Judge Burke, of South Carolina, wrote a pamphlet proving by the precedents of mediæval European history that a race of hereditary patricians was to be created. He neglected to mention that the people had taken good care to make such an aristocracy as nearly as possible a pauper caste. Gentlemen whose labors in behalf of their country had been purely in the civilian walks of life were especially angry at this military brotherhood. The reader may decline to believe that Adams and Jefferson could harbor such an unworthy jealousy. Yet the former assailed the institution in his wonted fervent style of declamatory invective, as "sowing the seeds of all that European courts wish to grow up among us of vanity, ambition, corruption, discord, and sedition;" and the latter, whose exploits during the years of warfare had been of a character to gratify the peaceful spirit of the most bigoted Quaker, and whose practical knowledge of warfare was confined

to the theory of successful flight, amiably advised the defenders of his country to "melt down their eagles." This insensate clamor became so loud and so widespread that it was even heard across the Atlantic, and this "villanous institution" afforded to Mirabeau an opportunity which he readily seized, to utter an harangue equally brilliant and ridiculous upon the appearance of political corruption in the new land of liberty.

The indignation with which the honest and poverty-stricken soldiers of the Revolution found the popular will thus resolved to deprive them of the slight solace and insufficient charity which they had hoped to secure for themselves may be imagined. But they soon saw that it was the part of prudence to effect some modification in their project. Hamilton was placed upon the committee to consider what should be done, and immediately advised with General Washington. On July 4, 1786, the State society of New York met. Hamilton delivered an oration, and at an adjourned meeting two days later he submitted his report, which was duly accepted, in reference to the changes proposed to be made in order to allay the popular animosity. The propriety of obtaining charters from the State legislatures in token of their unquestioned subjection to lawful authority had been suggested; but this Hamilton very properly opposed. It would have tended to produce precisely that state of things which the opponents of the Cincinnati dreaded. A voluntary association can scarcely erect itself into an aristocracy. *Privileges* conferred and maintained by the law of the land are indispensable to such an order. "Charters," said Hamilton, "ought never to

be granted, since the dangers apprehended from the institution could then only cease to be imaginary when it should receive the sanction of a legal establishment. The utmost the society ought to wish or ask from the several legislatures is, to enable it to appoint trustees to hold its property for the charitable purposes to which it is destined." As to the matter of the "duration or succession of the society," Hamilton suggested that the real intention of the society was not expressed in terms sufficiently accurate and explicit. This provision so "far as it may intend an hereditary succession by right of primogeniture is liable to this objection, — that it refers to birth what ought to belong to merit only; a principle inconsistent with the genius of a society founded on friendship and patriotism." Farther as to the distinction between honorary and regular members, he said that this distinction held up "an odious difference between men who had served their country in one way and those who had served it in another, and was improper in a society where the character of patriot ought to be an equal title to all its members."

Be it that the sacrifice of the hereditary element removed an honest public fear, or that the abolition of the distinction between honorary and regular members disarmed the "envy and jealousy" and soothed the "disordered imaginations" of civilian opponents; or be it that the people began to recognize and feel ashamed of their folly, — certain it is that the outcry was allayed by these measures of amendment, and the society of the best patriots in the country was able thereafter to continue its existence in peace, and certainly in the most perfect harmlessness.

CHAPTER VI.

THE CONSTITUTION.

PART I. — BEFORE THE CONVENTION.

THE prominent part played by Hamilton concerning the Constitution of the United States is well known, and it now becomes necessary to trace the course of events so far as he is connected with them, which led up to this grand conclusion. It is needless to elaborate or to continue the sketch which has been given of the state of public affairs, at the time of Hamilton's service in the national Congress. The seeds of evil and of discord, then in such vigorous and menacing youth, culminated quickly to an alarming maturity. A condition of things worse than was ever beheld in divided Germany threatened to become permanently established upon this continent. The bonds of union became so impotent, that their formal continuance seemed to be matter of indifference. A system of selfishness equally unalloyed and short-sighted, especially in the matter of imposts and commercial restrictions, was rapidly and surely paving the way to jealousy and ill-blood betwixt the rival sovereignties. Nor was it likely that actual warfare would await the somewhat tardy pace of

animosities thus slowly though surely engendered; for disputes rapidly growing into full-fledged quarrels, chiefly concerning questions of territory, were setting many States in the array of open foes against each other. Meantime, jealously as the State governments regarded any superior authority outside of themselves, they were far from separately possessing any sufficient degree of strength to insure domestic tranquillity. Internal enmities were violent; disorders threatened and occasionally broke out, assuming in Massachusetts for a time the really formidable aspect of armed insurrection. It was obvious that, unless the country was to plunge into a long dark night, dawn must be near at hand. If better intelligence did not come very soon, it would come too late to be of service.

It was a long while since the necessity for strengthening the central government had become a familiar and established doctrine with Hamilton, and with others who had sufficient scope of intellect to "think continentally," as the phrase of the day ran. But how few these persons were, and how slowly this number increased, may be conceived when we find that Madison in 1781, writing with regard to a proposition for a national naval establishment, puts the question, "Without it, what is to protect the southern States for many years to come against the insults and aggressions of their northern brethren?" Madison was a stanch Unionist, but this query shows what were his anticipations of the future of his country. The scheme for a navy, although advocated for such a reason, had yet an element of nationality in it, for it was to be governed by the national council. Yet it seemed a strange idea that a force should be

composed and maintained by State contributions, to be used for repressing, controlling, if need be of attacking, one or another of those States according to the exigencies of any special occasion. At the same time Hamilton was urging the consolidation of the Union in a more practicable manner. "Force," he said, "cannot effect it. The application of it is always disagreeable, the issue uncertain. It will be wiser to obviate the necessity of it, by interesting such a number of individuals in each State in support of the federal government as will be a counterpoise to the ambition of others, and will make it difficult for them to unite the people in opposition to the just and necessary measures of the Union."

The principle declared in this sentence continued to guide the purposes and actions of Hamilton through the years which intervened between the close of the war and the adoption of the constitution. The consolidation of the Union was the best interest of the people; to convince them of this by making it for the visible tangible interest of as many of them as possible was the object of his steady endeavor. A union thus founded might be trusted to endure. How hard and earnestly he toiled to secure a national revenue, a national system of imposts, a body of national officials, has already been seen. National forces to garrison national military posts, a national marine, a mint and a national coinage, a national bank to furnish a uniform currency and so to regulate and facilitate commerce between the States, a series of commercial treaties with foreign powers,— were among the measures which he contemplated, and which as

occasion offered he strenuously urged. A national debt, which has been called the surest guarantee of prolonged national existence, he had no need to create, — that he found ready at his hand; but he well understood the use to which it could be put. He favored the assumption by the Confederation of the debts incurred by the several States during the war of the Revolution. Uniformly he appears as the vindicator of the authority of Congress, the defender of its implied powers. "A Representative Republic," he said, "ought to have the means necessary to answer the end of its institution," — a simple truth enough, one would think, but by no means generally recognized in those days.

In 1783 he prepared a series of resolutions, which have been preserved and bear this indorsement in his own handwriting: "Intended to be submitted to Congress in seventeen hundred and eighty-three, but abandoned for want of support." This document opens with a recital in twelve paragraphs of as many defects in the existing Confederation, viz.: —

First, and generally: In confining the Federal Government within too narrow limits; withholding from it that efficacious influence which is indispensable to the harmony and welfare of the whole.

Second. In confounding legislative and executive powers in a single body, contrary to the most approved maxims of free government, which require that the legislative, executive, and judicial functions should rest in distinct and separate hands.

Third. In the want of a Federal Judicature, having cognizance in the last resort of all matters of general concern; a need especially illustrated by the danger of the infringement by local tribunals of the national treaties.

Fourth. In the vesting in the United States a nominal,

but in fact a nugatory, power of general taxation, acknowledging the propriety of conferring the authority, yet failing in fact to confer it.

Fifth. In establishing a difficult and unjust, if not altogether impracticable, rule for determining the respective money quotas of the several States.

Sixth. In authorizing Congress to borrow money and emit bills on the credit of the United States without the power of establishing funds to secure the repayment of the money or the resumption of the bills; thus tempting that body to pour forth a quantity of unfunded paper as the sign of value, and to entail upon the nation the long arrears of suffering, disaster, and dishonor inevitably following in the train of such action.

Seventh. In not making proper or competent national provision for the interior or exterior defence of the nation as a whole; and further, in devolving upon the particular States in time of peace the care of their own defence both by sea and land, and precluding the United States from raising a single regiment, or building a single ship, until such time as war should have been actually declared, or hostilities already commenced.

Eighth. In not vesting in the United States a general superintendence of trade, equally necessary in the view of revenue and of regulations.

Ninth. In defeating essential powers nominally conferred by annexing provisos and limitations inconsistent with their nature; *e. g.*, the restrictions on the treaty-making power, preventing any treaty being made which should affect the power of each individual State to establish such duties, prohibitory or otherwise, as it should see fit; thus rendering a commercial treaty a practical nullity.

Tenth. In granting to the United States the sole power over the domestic coinage, but no power of regulating the value of foreign coin in circulation in the States; though without the latter power the former is nugatory.

Eleventh. In requiring the consent of nine States to matters of principal importance, and of seven to all other matters, save only adjournments from day to day; "a rule destructive of vigor, consistency, or expedition in the administration of affairs, and tending to subject the *sense* of the majority to that of the minority."

Twelfth. In vesting in the Federal Government the sole

charge of the foreign interests and relations of ten States without empowering it to pass *all general laws* in aid and support of the laws of the nation; for the want of which authority the faith of the United States may be broken, their reputation sullied, and their peace interrupted, by the negligence or misconduct of any particular State.

For these twelve reasons, each of which had already too often given rise to the most dangerous emergencies during the war, and thereafterward to a series of temporary and inefficient expedients and to a neglect of the national engagements; also for the farther general and all-embracing reason that "it is essential to the happiness and security of these States that their union should be established on the most solid foundations, and it is manifest that this desirable object cannot be effected but by a GOVERNMENT, capable both in peace and war of making every member of the Union contribute in just proportion to the common necessities, and of combining and directing the forces and wills of the several parts to a general end," — therefore it was proposed that the several States should appoint a convention "with full powers to revise the Confederation, and to adopt and propose such alterations as to them should appear necessary, to be finally approved or rejected by the States respectively."

But the time was not yet ripe for the reception of such doctrines as these. A longer servitude amid suffering and jeopardy was needed in order to teach the inevitable but unwelcome lesson, that in conquering independence only the first stage of the struggle had been passed through, that subsequent peace and prosperity were possible only by and through a hearty and substantial union. The United States,

which had long looked forward to the establishment of peace with Great Britain as the event which should be but the introduction and first movement in a long and smooth career of prosperity, happiness, and glory, now began to learn that evils and trials exceeding in magnitude those of the past lay in this halcyon future, and were not to be avoided. At first the disappointment was bitter. Some were in despair; others were irritated; the great mass were disquieted, ignorant, helpless; only a few great and brave men comprehended the situation and saw the way of extrication. During this period of jealous cavillings, blind gropings, and unreasonable animosities, it was the appointed task of Hamilton, Washington, and the other few honest and clear-headed men to educate the multitude in political wisdom. The task was not easy nor attractive, but they accepted it as conscience bade them; and as these tutors steadfastly and consistently pressed their unalterable sentiments, fixed amid change, the people who saw the expedients of other would-be teachers in turn surely fail, and the state of the nation growing steadily worse under such erroneous tutelage, at last became willing to try the plans which had been so long presented to their reluctant consideration.

In 1785 it began to seem as though the crisis was near at hand. The selfish conduct of New York in respect of customs-regulations had given rise to feelings of intense hostility on the part of her neighbors, so that they became not less selfish and even more short-sighted than she was. New Jersey declared Perth Amboy and Burlington to be free ports, and thus tempted merchants to immigrate thither by offer-

ing to them special exemption. Connecticut also had already taken a similar course, making New Haven and New London free ports, and offering also her lures to merchants. The people of that State were now so incensed as to have begun already to discuss in earnest the feasibility of prohibiting all intercourse with the New Yorkers. Everywhere the debtor and creditor classes were arrayed against each other with a display of fury and unreason that made all the local governments totter to their very foundation. Paper money was put forth, and the most absurd and extravagant laws were passed to achieve the impossible end of keeping it at par with gold coin. In New Hampshire an astonishing enactment decreed that any and all kinds of property should be a legal tender at an appraised value! The result was universal distress, and a mob at the seat of government. Stay laws also became popular. In Massachusetts this state of affairs culminated in Shays's rebellion, which, though destitute of the elements of permanent strength, yet assumed for a time formidable proportions and thoroughly frightened the respectable classes in all the neighboring States.

It was about this time that renewed efforts were made to strengthen the hands of Congress. James Bowdoin, governor of Massachusetts, a man of a good head and abundant courage, proposed a general convention of delegates from the several States. Even Governor Clinton of New York received such temporary illumination of intellect as to propose an enlargement of the powers of Congress, though for the very imperfect and unsatisfactory reason that thereby that body might be the better able to

counteract the injurious commercial policy of Great Britain. A large meeting came together in the city of New York to urge that the sole power of commercial regulation should be vested in Congress. Hamilton addressed the assemblage, and some slight practical results were achieved.

The first step towards the formation of the present Constitution of the United States was taken by Virginia. I say the "first step," for though the legislature of Massachusetts had shortly before this time adopted a resolution urging Congress to recommend a convention to "revise the Confederation and to report how far it may be necessary, in their opinion, to alter or enlarge the same in order to secure and perpetuate the primary objects of the Union," yet for reasons set forth in a letter from the delegates of the State this resolution was not only never presented, but was even annulled by a vote of the same body which had passed it. The fears which led to this result were in part that the convention might fall beneath the control of persons of aristocratic tendencies, in part that a destruction of the existing system and an entire remodelling might be insisted upon. This movement in Virginia was not however due to the fact that that State was enlightened beyond her sisters, or more willing than they were to make sacrifices. It came from her in the pursuit of her own special welfare and advantage. The situation of Virginia and Maryland, bordering upon opposite banks of the same navigable stream, made it necessary that some commercial convention should be established between them. The negotiations undertaken to achieve this purpose resulted in a compact which, strange to relate of those days of

dissension, was a compact agreeable to both parties, but could be valid only by virtue of the consent of Congress. It was in this paroxysm of local amiability, in this brief reign of good feeling and good sense, that the legislature of Virginia was inspired to pass a resolution (January 13, 1786) directing the communication of this projected arrangement to be made by a circular letter to all the other States, and suggesting that all should send deputies to attend a general meeting to be held at Annapolis, in September following, for the purpose "of considering how far a uniform system of taxation in their commercial intercourse and regulation might be necessary to their common interest and permanent harmony;" and also for the purpose of reporting an "act relative to this great object, which, when ratified, would enable the United States in Congress assembled effectually to provide for the same."

The resolution, when first introduced, failed of its passage, but being revived on the last day of the session, and appearing then as the only alternative of adjourning without any effort to help the Union in the crisis of its affairs, it obtained a general vote; "less however," says Mr. Madison, "with some of its friends, from a confidence in the success of the experiment, than from a hope that it might prove a step to a more comprehensive and adequate provision for the wants of the Confederacy." Many States had already conferred upon Congress the power, more or less limited in time and restricted in operation, of imposing duties upon importations. Virginia, therefore, was not more advanced in wisdom than her neighbors; but she had the good fortune to urge the

course through which the resurrection of the moribund nation was ultimately effected. This course was the *revisory convention.*

Forthwith Hamilton resolved that this hand stretched forth from the South should be firmly grasped by another friendly hand coming to meet it from the North. Could he have induced his State to accept the revenue system proposed to the country by Congress in 1783, he might have been content. The need for a purely commercial convention would then be slight. But he had no hope of any such consummation; he strove for it indeed, but he strove with the faintest expectation of a success which finally he did not achieve. In default of accomplishing this, his purpose was to have a deputation from New York present at the proposed gathering. His views were, however, more far-reaching than could be implied by the language of Virginia, for his intimate friend and coadjutor Troup writes that he had not any partiality for a commercial convention, otherwise than as a stepping-stone to a general convention to form a general constitution. "In pursuance of his plan, the late Mr. Duer, the late Colonel Malcolm, and myself were sent to the State legislature as part of the city delegation, and we were to make every possible effort to accomplish Hamilton's objects." The result of these efforts "to accomplish Hamilton's objects" was eminently satisfactory. The same narrator says: "We went all our strength in the appointment of commissioners to attend the commercial convention, in which we were successful. The commissioners were instructed to report their proceedings to the next legislature: Hamilton was appointed one of

them. Thus it was that he was the principal instrument to turn this State to a course of policy that saved our country from incalculable mischief, if not from total ruin." Benson, Duane, Robert R. Livingston, and Robert C. Livingston were appointed deputies together with Hamilton; but of them all only Hamilton and Benson appear to have attended.

The delegates came together at Annapolis, but the meeting was not very encouraging. Five States only were represented, — a puny inception of an enterprise of which the grand development could not be foreknown. These few delegates, not being prophets but only brave and resolute men, could hardly escape misgivings that they were about to utter such winged words as would fly far above the careless ears of their fellow-countrymen. Yet it was their duty to utter the words whatever might be the fate in reserve for the utterance, and they were not men to shun a duty. An address to the States in the shape of a report to the legislatures of Virginia, Delaware, Pennsylvania, New Jersey, and New York was drawn and agreed to, and the Convention broke up, having consumed only three or four days in this business and being powerless to accomplish any thing farther. Commissioners had been appointed by New Hampshire, Massachusetts, Rhode Island, and North Carolina, but had not seen fit to be at the trouble of attending. Connecticut, Maryland, South Carolina, and Georgia had apparently taken no notice whatsoever of the matter. It was vain to do more than put forth an address in the absence of any delegation from so many States.

Judge Benson says that the draft was by Hamilton, although he was not formally one of the committee nominated to compose it. As at first framed, the instrument set forth very elaborately and undisguisedly the grave condition of the country and the imperative necessity for a powerful government. But Governor Edmund Randolph objected to it as too strong; whereupon Madison said to Hamilton: "You had better yield to this man, for otherwise all Virginia will be against you." The indifference of so many States and delegates gave the same warning. Accordingly the appeal was toned down and weakened to suit tender stomachs, and in this its second and milder shape was adopted by the "convention" and sent throughout the country. The address expressed the "earnest and unanimous wish" of the commissioners that a general convention should speedily be called. The delegates from New York, Pennsylvania, and Virginia had been authorized to consider only matters relating to commerce and trade. But New Jersey had empowered her deputies to consider other important matters pertaining to the common interest and permanent harmony of the several States. In her instructions, therefore, was opened the door for Hamilton's more comprehensive scheme; and he ventured to submit an opinion that such an extension of powers was an improvement on the original plan, and would deserve to be incorporated into that of a future convention.

Thus guardedly was it necessary to broach the idea of any fundamental reform by recourse to vague generalizations and words which might not offend by any accurate specification, but of which the pecul-

iar merit, as it turned out, lay precisely in that large indefiniteness of their scope and significance.

Accordingly the convention unanimously urged the "appointment of commissioners to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such farther provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union, and to report such an act for that purpose to the United States in Congress assembled, as when agreed to by them and afterwards confirmed by the legislature of every State will effectually provide for the same."

From about 1770 onward for a period of a quarter of a century the student of American history will usually find that the hardest political struggles occurred in the State of New York. There the opposing factions, powerful and strongly convinced, were not unevenly divided in point of numbers, while adventitious circumstances causing victory to incline now to one side and now to the other prevented the inertia of despair from settling upon either party. Governor Clinton, whose opponents were already styled the friends of "continental politics," led the party of State rights. Nine years of successive incumbency in the governorship had naturally brought him to regard the State of New York as peculiarly his own. Its magnification was his magnification. In it he was naturally chief; but in the mingling of thirteen States combining to form one integral people, it was impossible to say at what lower level he might find himself stranded. Every movement therefore which looked towards the accomplishment

of such an alliance was regarded by him with disfavor. As his long series of administrations gave token of the strength and popularity which he enjoyed, so also they of course tended to increase and organize his political power. He was as formidable an antagonist as could well be encountered. A dangerous feature of his power lay in its prevalence with the masses. The intelligent, thinking part of the community were generally, though it certainly cannot be said unanimously, arrayed against him. But upon his side were ignorance and short-sighted selfishness in full force. For the geographical situation of New York, aided by legislation which could be only temporarily successful but which temporarily had been very successful, had brought commerce and wealth to the mouth of the Hudson. Multitudes refused to see that this prosperity would be of brief duration unless a change of policy could be effected.

When the question of conferring a permanent revenue upon Congress arose, Hamilton entered with his whole heart into the fight against this dangerous opponent. He wrote a memorial couched in the most earnest language, and caused it to be widely distributed throughout the State. In this he called attention to the fact that New York now stood "almost alone in a non-compliance with a measure in which the sentiments and wishes of the Union at large appeared to unite, and by a farther delay might render herself responsible for consequences too serious not to affect every considerate man; that all the considerations important to a State, all the motives of public honor, faith, reputation, interest, and safety conspired to urge a compliance with that measure;

that government without revenue could not subsist; that the mode provided in the Confederation for supplying the treasury of the United States had in experiment been found inadequate; . . . that as to danger in vesting the United States with these funds, the memorialists considered their interests and liberties as not less safe in the hands of their fellow-citizens delegated to represent them for one year in Congress, than in the hands of their fellow-citizens delegated to represent them for one or four years in the Senate and Assembly of this State." Verily, there was need to speak such hot words; they were required to burn their way through the thick crust of selfish error, deep down to the intelligent conviction of the people.

The election to the State legislature supervening at this time, the grand crucial question which separated the opposing parties was this of a national revenue. Clinton entered upon the struggle like an autocrat; for in the masses which rallied around him none stood forth as his peer or even as second in rank. On the other side, many men of nearly equal talent and authority were combined, notably Colonel Hamilton, Chancellor Livingston, and General Schuyler. Hamilton himself had the good fortune to secure an election from the city of New York to the Assembly.

The legislature assembled in January, 1787. The first trial of strength came about in this manner: The preceding legislature had been brought to the point of granting the desired revenue to Congress, but had made the duties payable in State paper, had reserved to the State the sole power of levying and

collecting the duties, and had made the officials amenable exclusively to the State courts. The advantage of what was given by this enactment was annihilated by what was withheld. Congress could not accept it as a compliance with their proposition; but cheered by the faint symptoms of a change of feeling, and harassed by accumulating arrears of foreign indebtedness, they applied to Governor Clinton to convene the legislature again, in the hope that in the present emergency and weighty crisis of public affairs a reconsideration might remove the defects in the recent legislation. That gentleman deigned to reply in most deferential language, but fully denied the request, on the ground that there was not such an "extraordinary occasion" as the law required. In his address to the new legislature, the governor laid before that body the resolutions of Congress and the correspondence which had passed, and sought to justify his own action.

A committee, upon which Hamilton was named, was appointed to draft a reply. Their report was consonant with the sentiments of the speech in every respect, save only concerning the matter of the extraordinary session, which was simply passed by in silence. But not thus could the contest be averted. Forthwith a member moved to amend by adding an approval of the governor's course in reference to the congressional request. A fierce discussion at once began; whereupon the mover, as if astounded at the acrimonious debate which he had opened, proposed to withdraw his motion. But he was refused permission to do so. The governor's friends were confident of their strength, were resolved to demonstrate it, and

had it in mind to achieve a triumph which should utterly dishearten and demoralize their opponents. But for the moment their victory was postponed by an agreement, made in the interest of peace, that the committee should rise and report again. When the matter came up a second time, a conciliatory amendment was moved, with the purpose on the part of the minority of making a drawn battle. It was proposed to justify the action of the governor upon the ground of the great expense which an extra session would have involved. In favor of this substitute Hamilton made a long and admirable speech, followed by a series of fluent Clintonian harangues, to which he again replied. But words uttered to predetermined men upon a partisan issue are breath wasted. The governor's party could count the requisite votes with unquestionable certainty; they were resolved to have their triumph, and they had it. But their enemies in good season reaped its fruits.

The result of this hard-fought contest might fairly have been regarded as a test vote, and the party of "continental politics" could not have been blamed had they hesitated to enter into another pitched battle. But they were men of that stamp that they did not readily acknowledge an irremediable defeat, especially where a matter of principle was involved. Accordingly they soon introduced a bill to grant to Congress the desired authority to levy and collect taxes on imports. They succeeded in getting it referred to a committee, and on February 15 the measure was brought up for final action. Hamilton made a speech which was unanswered and unanswerable, but of course was also ineffectual.

One head only of the many which he touched upon will be adverted to here, and that for the purpose of showing how fully he understood the peculiar weakness of a federal government. The great cry of the opponents of the impost was, that to confer so extensive and interesting a power upon Congress would be dangerous to the liberties of the States. Hamilton was at great pains to show the utter groundlessness of any such dread. After speaking to this issue with much earnestness, he said: "There is one consideration of immense force in this question not sufficiently attended to. It is this, — that each State possesses in itself the full power of government, and can at once in a regular and constitutional way take measures for the preservation of its rights. In a single kingdom or State if the rulers attempt to establish a tyranny, the people can only defend themselves by a tumultuary insurrection. They must run to arms without concert or plan. . . . With us the case is widely different. Each State has a government completely organized in itself, and can at once enter into a regular plan of defence with the force of the community at its command. It can immediately form connections with its neighbors, or even with foreign powers if necessary. In a contest of this kind the body of the people will always be on the side of the State government. . . . Though the States will have a common interest, yet they will also have a particular interest, . . . and particular interests have always more influence upon men than general. The several States therefore, consulting their immediate advantage, may be considered as so many eccentric powers tending in a contrary

direction to the government of the Union, and as they will generally carry the people along with them our Confederacy will be in continual danger of dissolution. This is the real rock upon which the happiness of this country is likely to split. This is the point to which our fears and care should be directed. To guard against this, and not to terrify ourselves with imaginary dangers from the spectre of power in Congress, will be our true wisdom."

The present generation has lived through times which have proved the truth of these words. The late civil war showed Hamilton to be a true seer in these political prophecies. We have seen how rapidly and easily the State governments can institute a compact and formidable rebellion, "with the force of the community at their command." We have seen how naturally they glide into connections with each other. We have good reason to know how much more strongly the "particular interests" of the individual State will often appeal to its citizens than the general interests of the Union. No one will now deny the power of the State governments "to carry the people along with them." Nor after a war of four years, caused by the dashing of the ship of State against "this rock," will any one question the truth of the foreboding that it was upon this rock that "the happiness of the country was likely to split." All this seems very simple and plain to those who have seen the facts illustrate the truths. Under such circumstances it does not so much appear clever to have foretold these occurrences as singularly dull not to have believed in them. To this it can only be replied that from Hamilton alone came this

forcible exposition, and that he could not convince nearly a majority of his fellow-legislators of the soundness of his arguments. Yet the speech unquestionably did much good. The chamber was crowded with the most intelligent, thoughtful, and public-spirited citizens attracted thither by the occasion, and abundant evidence proved the impressions which had been made. Hamilton rallied twenty-one members in support of the impost; but thirty-one voted against it without even attempting to answer him, — a fact which led to the remark that the "impost was strangled by a band of mutes."

A long chapter might be written about Hamilton's other labors in the State legislature, but it would probably be a chapter which few persons would read, in spite of the fact that the circumstances of the times gave rise to much business of a high order of importance and dignity. His position as chairman of the committee on expiring laws, with the additional function of introducing such new legislation as might seem expedient, was very influential. In pursuance of these duties he labored hard to prevent legislation in contravention of the treaty of peace; he corrected gross theoretical blunders in a proposed system for regulating elections, and strove hard though not altogether successfully to eliminate religious restrictions; he succeeded in preventing the disfranchisement of a great number of persons for having been interested, often unwillingly, in privateering ventures; he stayed some absurd laws proposed concerning the qualifications of candidates for office; in the matter of taxation he substituted for the old method of an arbitrary official assessment, with all its gross risks of error and

partiality, the principle of allowing the individual to return under oath his taxable property; he labored hard to promote public education by statutory regulations; his "first great object was to place a book in the hand of every American child," and he evolved a system which served as the model of that promulgated in France by the imperial decree of 1808; he had much to do with the legislation concerning the relations of debtor and creditor, then threatening to dissever the whole frame of society; he was obliged to give no little attention to the department of criminal law; finally he had to play a chief part in settling the long and perilous struggle concerning the "New Hampshire grants," the region now constituting the State of Vermont: his efforts in this matter chiefly averted war and brought the first new State into the Union. From this imperfect record it may be conceived that he was not idle during this period of his life. But there is not room to narrate all that he found opportunity to do, and it is time to return from this digression to the consideration of national affairs.

PART II. — THE CONVENTION.

The hopes of those who sought to preserve the Union were now centred in bringing together the proposed convention at Annapolis. The favorable action of Congress was an essential preliminary, for the present articles of confederation gave to Congress the right to inaugurate any needful changes in

the frame of government. Powerless as those articles were to coerce the reluctant action of men, yet any manifest disrespect towards them would at once have aroused a fatal degree of suspicion and enmity. For the people had not been long enough in the possession of their hard-won liberty to feel at ease concerning it: they conceived it to be a prize which every one was seeking to wrest or pilfer from them. They would have received with a wild wrath any man who should have openly proposed to form a new system of government, and would tolerate no bolder suggestion than a modification of the existing system. To Congress, therefore, application must be made in the first instance, in order to avoid so far as possible the dangerous cry of unconstitutionality; and painful it is to narrate that an ignoble fear of parting with the shadowy and insignificant power resting in that effete body induced a large proportion of its members to oppose the measure. Many months elapsed, and a new session was convened, before the friends of the great scheme dared to take a vote. It was only after infinite labor and anxiety that they finally secured the congressional sanction.

The next, and perhaps even greater, task lay in persuading the States to send delegates. It was rather inertia than hostility which had to be encountered in these bodies. Had the real purport of the movement been understood, the opposition would doubtless have mustered in sufficient force to prevail; but the party which afterward so vehemently and almost successfully struggled against the adoption of the Constitution was now carelessly quiescent. Few of its members anticipated any important

results from the gathering, and it was the contempt felt by their opponents which first enabled the federal party to gain a substantial base of operations. Fortunately these men who still "thought continentally" were as energetic as the States-rights party was negligent, and by their untiring zeal they succeeded in procuring the appointment of a delegation from every State save Rhode Island. That community by a cleverly arranged impost had thus far succeeded in exacting indirect tribute from her neighbors, and she had no notion of imperilling in any patriotic scheme her ample private emolument.

In some few States there was rather hot fighting, and as usual this was the case nowhere else to so great an extent as in the legislature of New York. There Clinton and Hamilton, champions in this contest, — the one powerfully representing the old order of things, the other vigorously advancing the new, — met in a dubious encounter. Each, in addition to his personal endeavors, brought to bear all the influence which he could command. Clinton stood like an old general at the head of his veteran army of well-drilled and trusty voters, having also some able lieutenants around him. Hamilton, without this efficient following of accustomed and unquestioning adherents, had the valuable aid of Schuyler and the Livingstons. This was much, but not enough; and he was obliged if he would succeed to win a further large number of votes by sheer force of argument and the exposition of the superior merit of his cause. He carried the day, but narrowly. The Assembly was induced to pass a resolution for the appointment of five delegates to the Convention. The Senate, not friendly

to the measure yet not quite ready to take the responsibility of killing it altogether, cut the number down to three. The choice, made by the two bodies jointly, fell upon Chief Justice Robert Yates, John Lansing, Jr., and Alexander Hamilton. The temper in which the vote was passed may be judged from the fact that the two first-named gentlemen were opposed, notoriously and beyond any fear of change, to the scheme of the Convention and to any and all measures of "continental politics." Thus a majority of the delegation could be depended upon to prove stanch and consistent obstructionists of all the substantial purposes for which the meeting was called.

Hamilton however had won what deserved to be called a triumph, valuable though imperfect. New York was at least to be represented; he himself also was to have a hand in the work of the Convention, and that work might be well done in spite of some disaffection in the body itself. One desperate effort Hamilton made to help matters a little, dreading that, if the Convention should adopt the rule of voting by States, the vote of New York would be persistently wrong. He proposed to add two delegates, and suggested as a list of names from which they might be chosen, Chancellor Livingston, Mr. Duane, Mr. Benson, and John Jay. It was hoped that the eminent fitness of any and all these gentlemen for the labors in contemplation might induce the legislature to strengthen the weight of the delegation by selecting two from among them. But the attempt was in vain. Hamilton's personal influence carried the resolution safely through the Assembly, only to have it lost in the Senate chamber where

his voice could not be heard in its behalf, and where Clinton had an invincible majority.

Thus was another step taken towards that consummation which for seven long years, in the face of every obstacle which active enmity had been able to place in his way, of every discouragement which distrustful indifference had created, Hamilton had steadfastly pursued. The first recorded opinion of the necessity for a Convention to draft an efficient, coercive, national constitution came from him. In 1780, long before the Articles of Confederation had been adopted, he wrote a long and earnest letter to James Duane, the burden whereof was his conviction of the existence of this grand need.[1] It is upon the strength of this letter, that the honor is claimed for Hamilton of being the first to conceive and recommend the scheme of a Convention for the purpose of forming an entirely new system of union and government, and so far as I am aware it is true that no other expression of the same opinion is to be found of the like early date. But the communication was made only in private correspondence, and the first public proposition to the same effect is found in a pamphlet published in May, 1781, written by one Pelatiah Webster, "an able though not a conspicuous citizen" according to the description of Mr. Madison. Probably this obscure writer's lucubrations were not so much read or considered, as by their merits they should have been. At any rate, beyond the fact that they dwelt in Mr. Madison's memory, no trace of their influence can be found; and the next and more efficient move

[1] See George T. Curtis' "History of the Constitution of the United States," Vol. I. pp. 204, 205.

came from Hamilton, at whose suggestion it was that in the summer of 1782 the legislature of New York was persuaded to pass resolutions recommending the holding of such a Convention. To us at the present day the scheme seems so simple and so obvious, that we find some difficulty in believing that it was not present in the minds of many, even from the earliest moment when the insufficiency of the Revolutionary union began to become apparent. Perhaps it was so, yet it should be remembered that at that period no such Convention had ever assembled; history recorded no such event;[1] and certainly it is strange that the notion, if really prevalent, should have left no sign of its existence save only in the correspondence of Hamilton. It is probable that he first entertained the idea; but it is certain that his persistent advocacy was the strongest among the several influences which finally achieved its success. And though it must be admitted that the Convention which assembled at Annapolis in May cannot be regarded as the fruit of the exertions of any single man, and that the most strenuous labor of a great number heartily coöperating was alone competent to accomplish this result, yet among the contributions of all these resolute toilers it is undeniable that the efforts of Hamilton stand forth as the oldest in date, the most conspicuous, the most incessant, and the most efficient. This was due in part, doubtless, to the native ardor of his temperament. But beyond this, his firm adherence to the principles of strong government, as well as his comprehensive knowledge of the national affairs and

[1] Curtis' "History of the Constitution of the United States," Vol. I. p. 374, *et seq.*

full appreciation of the needs and defects of the existing system, naturally inspired him with a zeal greater than that of men holding more democratic doctrines, or less keenly dissatisfied with the present order of things.

In the Convention, Madison, Wilson, Colonel Mason, Randolph, King, Luther Martin, Rutledge, Gerry, and, by procuration, Franklin, appear to have been frequent and elaborate debaters. They spoke continually, and each one of them had something, generally a great deal, to say upon nearly every topic which was discussed. It is needless to add that whatever any one of them said was always well worth listening to. It is certainly a mistake to attribute to Hamilton any equally active part in the actual composition of the Constitution. His name is so inseparably connected with it, and quite rightfully so, that an incorrect notion is prevalent with many persons to the effect that he assisted greatly in framing it. The truth is, that the debt which the people of the United States owe to him is largely for bringing about the assembling of the Constitutional Convention; still more largely, after the adjournment of that body, for his brilliant labors, by his writings and otherwise, in securing the adoption of the proposed Constitution. In both these departments his exertions were much more conspicuous, more effective, and more valuable than was the part which he played in the debates. Indeed it is certain that in these debates Hamilton appears comparatively seldom as a speaker. This may be accounted for, however, without much difficulty. Partly, it was due to the fact that he was unavoidably absent

from the sittings during a large proportion of the time; and, as it happened, these absences so fell as to include the sessions at which the most exciting and interesting points were under consideration. But absence is by no means the only reason, for when present he found himself in an embarrassing position. Sitting as a deputy from New York, he was yet not in harmony with the sentiments of the majority of the legislators who were his constituents. He was a delegate without being a representative, — a situation in which men have seldom been apt to do much or useful work. He was not in accord with his coadjutors; and those gentlemen being two to one were able to cast the vote of their State, and in fact did cast that vote, invariably contrary to the convictions and wishes of Hamilton. It was quite right under the circumstances that they should do so, but the result was of course extremely hampering and vexatious to him. He could not speak as the possessor of any derived authority, but only as an individual. Nor would prudence permit him to array himself in public too often and too energetically in antagonism to his colleagues, and to the well-known feelings of those who had generously sent him out of regard to the interest he had manifested in the subject-matter, and in spite of their own dislike of his views. Their courtesy and liberality, as he himself said, demanded some recognition and return from him. To this may be added that, of the two main schemes or outlines which came before the Convention, neither, as is well known, by any means satisfied him. He had notions of his own, which in spite of all the foregoing considerations he might have advocated with force, had

there been any opportunity for doing so, any possibility of securing their adoption. In good season he did set them before the meeting. But he did not very powerfully feel the incentive to enter into a contest in behalf of the measures of others, which to him seemed to fall far short of the requisite strength; neither could he contend vigorously in behalf of clauses in which he had only a half faith, as against clauses in which he had no faith at all.

A strong and extensive influence was inevitably exercised outside the doors of the Convention and apart from the regular debates. In conversations with each other during the hours not devoted to formal business, the members did much in the way of explaining and furthering their respective theories. In these conferences Hamilton was peculiarly fitted to succeed. His ardent and fascinating manner, his fluency, his thorough mastery of the whole subject of government, made him a peculiarly able and persuasive talker in all such conversations. Not then hampered by the knowledge that he was speaking in some sort on the behalf or as the representative of persons to whom what he said must notoriously be distasteful, but able as a private gentleman to utter his own beliefs and thoughts with full vigor and earnestness, he carried persuasion in his strong sentences and sent his theories filtrating deeply through the material of the Convention. Thus tradition tells us that he accomplished much, and such a tradition can easily be believed.

But to the foregoing remarks justice requires that there should be added a contradiction of the idea which some writers have rather insinuated than

openly expressed. This idea is, that Hamilton advocated with some feeling a plan utterly different from that which the Convention adopted, but that he was over-ridden, his views pointedly condemned, and a scheme adopted in direct contravention of them and wholly distasteful to him. There is ever so meagre a foundation of truth in this picture. Hamilton did present a sketch of a Constitution quite different from that which was adopted, and he was not wholly pleased with the result of the labors of the Convention. But it is absurd to say that he offered a scheme which was rejected, for he offered it avowedly with no view to its adoption. He therefore failed in no undertaking. He explained his views with the deliberate and express admission of their singularity, and without the most distant expectation upon his own part that they would commend themselves to his colleagues. He simply wished to utter his sentiments, and he made no effort whatsoever to induce others to adopt them, well knowing and frankly confessing at many different times the utter hopelessness and impossibility of any such result. He was praised by everybody though followed by none, as a prominent member of the Convention said a few days after the delivery of his great speech. He was as far from occupying the position of a defeated or disappointed advocate of unsatisfactory doctrines as was any delegate in the body. But of this more hereafter.

The chief and distinguishing trait of the political system of the United States is its duplex form. Two governments are in operation side by side, on the same soil, over the same individuals. We are so

accustomed to the spectacle, that it not only does not strike us as strange, but on the contrary most persons would say that a marked characteristic of our polity is its plain simplicity. So differently does a theory look before and after it has been tried in its practical working! Until General Washington was installed as the first President of the United States, no such plan of government had ever been attempted. The world had seen an abundance of so-called federal governments; but in all such the authority of the federation had been exercised upon the bodies politic which were its component members. There had been no national power directly reaching the individual. The systems of this kind had been leagues, not nations. Such had been the nature of the bond which had hitherto held together the United States; the several States in their capacity as sovereign powers had entered into a compact with each other, agreeing to confer certain specified functions upon Congress. But Congress did not govern a nation; it could exert no power in respect of any individual, or any description of property; it could compel no citizen to obedience; could touch no money save such as the States might pay into its coffers.

A government of this kind could have no strength, could expect no perpetuity. To make the United States a respectable power, even to insure their prolonged existence, a radical change in the whole system of their union must be effected. The consolidation of the federation was more necessary on this side of the Atlantic than it would have been upon the other, for here there was no external pressure to supplement a deficiency in the adhesive principle;

whereas in Europe such a pressure, constantly exerted upon all sides by rival or hostile peoples, had long held together leagues and federations which if left subject to internal influences alone would soon have fallen hopelessly asunder. Hamilton saw and appreciated in all its fulness this condition of things, and this indispensable requisition of the country. So did many another of the observant and reflecting minds which had been led to political wisdom by a long course of thorough and anxious training, beginning far back upon the memorable Fourth day of July, A.D., 1776.

But if many recognized the character of the need, very few had any comprehension of the means by which alone it could be satisfied. The idea of two governments authoritative throughout the same country, in respect of the same persons and the same things, seemed to many altogether incomprehensible, to many others an absurdity, and to nearly all an impossibility. Able and clear-headed men pronounced the scheme equally illogical and impracticable; and not a few persons distinguished by high intellectual ability remained of this creed, until the successful working of the new government in respect of their own persons and affairs literally forced upon them the refutation of their opinions. It is probable that at the present day any clever school-boy would believingly aver that he would not have been slow to suggest the duplex system, had he lived in the troubled period succeeding the peace with Great Britain. Yet in truth it was the greatest political invention ever evolved since mankind first began to frame for themselves systems of government. It is simple, as the

greatest truths are ever the simplest. But it lay long hidden from the wisest minds, and after it had been revealed to a few of them it was still vigorously combated by numbers of intelligent unbelievers. Such incredulity and scoffing as was encountered by Galileo was to a considerable extent encountered by Hamilton.

The glory of having been the first to suggest the design of the double government has been claimed for Hamilton upon good but not undisputed grounds. The fact doubtless is that the time had arrived when this truth must have become known to mankind. As in science there have been strange instances of coincidence in the independent discovery by different persons at nearly the same times of great and previously unknown principles, leading some to say that a predestined order in the revelation of knowledge to man has been decreed, so it is unquestionable that the circumstances existing in the United States for a few years following the Declaration of Independence would inevitably have led to the enunciation of this same doctrine, if not by one person then by another. The hour for the revelation was at hand. It is probable enough that a few of the more advanced thinkers were all following the same road leading to the same goal, and though not in communication yet were not far apart from each other in the march. In the innermost chambers of many busy minds it may be believed that the same premises, arguments, facts, were leading to substantially identical conclusions.

But be this as it may, certain it is that Hamilton's correspondence contains the first distinct proposition of the broad general principle. It was not then

elaborated by him in any degree. The great complex machinery of American government was not to be found, even in embryo, in these earliest suggestions. But the one all-important principle, without which this machinery could never have come into existence, was by him for the first time set forth and insisted upon as a possible, practicable arrangement. This he did in urging that specific revenues should be granted to the Congress, which should belong to that body and be collected by it through officers amenable to it, stationed in the States and coming directly in contact with individuals. The scheme was derided by some, distrusted by others; and, having been thrown out before the people were ready to receive it, the seed lay upon the soil through a hard season of trial and misfortune till the time came when it could take root and grow into prosperous strength.

Not a little aid for the new idea was derived from the universal despair. The people were in that condition in which, having failed to find relief from the medicines in which they had hitherto believed, they were ready to take, though without faith, what they conceived might be the nostrums of quacks. So they were ready to make experiment even of a system of government which seemed to them self-contradictory, ridiculous, chaotic. Nor can it be doubted that many prominent persons were by this unhappy temper first induced to entertain thoughts of the new scheme. I think there can be no doubt that if at the time of the adoption of the Constitution the country could have been canvassed, so as to discover the inmost convictions of each citizen concerning the scheme of that document, those who

distrusted its success would have been a considerable majority. If this, or even if any tolerably near approach to this, was indeed the real state of feeling after several months of public discussion and active proselytism, after the publication of the "Federalist" papers and the arguments in the State conventions, how vastly more prevalent must such sentiments have been in the period immediately preceding the assemblage of the Convention and pending its sessions!

But it is time that we should come to the actual work of the Convention. It was summoned to meet at Philadelphia on May 14, 1787. At the appointed time, however, few of the delegates were present, and it was not until the twenty-fifth day of that month that a sufficient number had come together to make it advisable to proceed. Upon that day nine States were represented; namely, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia. The Convention organized, and General Washington was unanimously chosen president. Three days later the rules were adopted, and on the twenty-ninth day of the month the regular business was begun. Judge Yates and Hamilton were present on May 25, but Mr. Lansing did not take his seat until June 2.

On May 29, the first business day, Edmund Randolph, of Virginia, submitted to the Convention the outline of a plan of government which became known as "the Virginia plan." It provided for a Congress of two branches, the one to be elected by the people, the members whereof should be subject to recall; the other to be chosen by the members of the first

branch from a number of names to be suggested by the State legislatures respectively. There was to be a national executive, — not eligible for a second term, — with general authority to enforce the national laws, and invested with the executive powers conferred by the articles of confederation upon Congress. There was also to be a national judiciary with appropriate functions. The executive and certain members of the judiciary were to compose a "Council of Revision," with power to veto any national or State legislation, though the legislature might by a sufficient majority pass the law over the veto. The rights of suffrage in both Houses were to be proportioned to the quotas of contribution, or to the number of free inhabitants, as one or the other rule might seem best in different cases. The legislature was to be empowered to pass laws "in all cases to which the States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation," also to negative all State laws (subject, however, to the approval of the council of revision) which should contravene the articles of union or any treaty, and to call forth the force of the Union against a recalcitrant member. A republican government and integrity of territory were to be guaranteed to each State.

Though only a portion even of the main ideas of this scheme were preserved in the final draft, its importance is not to be measured by this degree of its ultimate success, but by the fact that it contained within itself the germinal principles of a general or national government. For this reason it was adopted as a base of operations by the party in favor of a new,

strong, and comprehensive plan. It was their point of departure, from which they pushed onward to the consummation which they finally achieved.

Two or three weeks later, Mr. Patterson submitted to the Convention the plan of the opposing party, thereafterward known as "the New Jersey plan." This had for its object the "revision, correction, and amendment" of the present Articles of Confederation. It yielded the power to levy duties on imports; to impose a stamp-tax; to collect postage through the establishment of a general post-office; to regulate foreign and domestic trade and commerce. The principle of requisitions was not given up but was only strengthened, and that too more in appearance than in reality, by a proviso that Congress might pass acts directing and authorizing the collection in delinquent States. The assent of a certain number of States was necessary to the exercise of these powers. An executive to "consist of —— persons" was to be elected by Congress, and to be removable also by the same body upon application made by a majority of the executives of the several States. Such executive was to be ineligible a second time, to have a general authority to execute federal acts, to appoint federal officers and direct military operations. There was to be a national judiciary endowed with a jurisdiction somewhat less extensive than that conferred by the Virginia plan. Treaties made and laws passed by Congress were to be the supreme law of the land, and in case of obstruction presented by any State the federal executive was authorized to "call forth the power of the confederated States" to compel obedience.

The concessions made in this plan to meet acknowledged exigencies were more colorable than substantial. The effort in drafting it had been to make it plausible rather than effective. It was intended to tide over the immediate difficulties, and was presented and supported by persons who admitted themselves unalterably hostile to a consolidated or powerful government. In short, it was the same old cask with the old hoops driven down just a very little more tightly over the staves, and two or three new but loose hoops added.

The question, then, which Hamilton had to determine in shaping his own course was, whether or not he could give his allegiance to either of these schemes. The New Jersey one must be at once ruled out; it represented the very ideas which for many years it had been the main purpose of his life to extirpate from the minds of the people. But, on the other hand, could he enlist among the friends of the Virginia plan? If it did not meet his views, yet neither in its present shape did it meet the views of any large proportion of its backers. It was obviously destined to be altered in many essential respects, indeed not improbably to be so changed as barely to maintain its identity. Beyond the preservation of its fundamental principle of a national, consolidated government nothing farther could be predicted as likely to survive the ordeal of eager discussion to which it was evidently to be subjected. Moreover, an important consideration was that no stronger or more centralized frame of government than could be developed out of this embryo was likely to be adopted. To aim for more might well result in the loss of all.

Was it not the part of wisdom and duty to assist in compassing the greatest attainable good, and to refrain from imperilling a possible improvement by striving for an impossible perfection?

It is not to be supposed that such reflections as these did not exercise a just influence with Hamilton; yet his peculiar situation, though in some respects embarrassing and vexatious, in other particulars brought some partially compensating advantages. Had he really represented New York and been able to control or affect her vote, he might have felt obliged to range himself with the Virginia party. But he appeared only as an individual, exerting such moral and intellectual influence as he was able, and therefore raised above the necessity of timidly consulting expediency. Thus his position in the Convention was altogether exceptional, and as he felt entailed both privileges and obligations correspondingly peculiar.

The nature of the great struggle in the Convention was already developed; it was between the advocates of a strong government and the advocates of a weak one. The administration of a good stringent tonic to the body might prove, and in fact did prove, a timely and efficient assistance to the former party. Hamilton stood forward as the physician to give the much-needed medicine. It could be offered by no professed adherent of either section. He accordingly, as he almost alone of all the members of the Convention could do with safety and propriety, separated himself from all connection with either scheme and came forward with a scheme of his own. Had others done likewise, endless distraction would inevitably

have resulted and the Convention would have been dissolved in chaos. One of the most honorable tributes which can be paid to its members is that they did not egotistically advance favorite individual plans, and obstinately ride their several hobbies in every direction away from the centre of a common opinion. But Hamilton incurred no peril of creating division and dissension. As an independent member, he laid before the Convention a draft of a constitution prepared by himself, and in every respect as elaborate and comprehensive as the one which was ultimately adopted.

It was with no expectation or even any glimmering hope that it might be adopted, that this plan was put forth. Not in his most sanguine moments did its author anticipate for it any such success. He understood the position perfectly. He knew that the friends of the Virginia plan might be greatly aided by what he could say. His plan formed a sufficient pretext for the delivery of a long and carefully prepared speech in which he enforced with much power the manifold advantages and the indispensable necessity of a strong, consolidated national government; and, after the transitory words of the speech had been uttered, the scheme which it illustrated would remain as a compendious expression of the constitutional creed of one who was known to have thought and studied longer and more deeply concerning the science of government than almost any one of his contemporaries.

It was on June 18 that Hamilton presented his plan to the Convention. Apparently it was introduced by a speech in which the Virginia and New

Jersey plans were discussed; and then after his draft had been read, it would seem that he farther gave an elaborate explanation of it with a full exposition of his own doctrines as to the best form of government. Unfortunately no satisfactory report of his address remains. Mr. Madison says that, just as he was finishing the sketch which appears in the "Madison Papers," Hamilton happened to call upon him, and reading it over approved its accuracy and suggested only a few verbal changes. But Hamilton occupied the floor during a whole session of five or six hours with the delivery of his remarks; indeed no other business was done in that day's session beyond listening to him, and passing without debate a single resolution; whereas Madison's report can be read through aloud in about twenty minutes. From this it follows that this report must be a miniature very much reduced from life-size, or else that it is only a report of the introductory speech and not of what was said after the plan had been presented. The language of a foot-note of Mr. Madison gives some ground for the latter supposition.

A brief of his chief points had been prepared by Hamilton and is preserved among his papers. It is sufficiently full, when read by the light of his views declared in the "Federalist" and in the State convention of New York, to furnish the basis of a statement of his general theory of government and of his sentiments concerning the present emergency.

Three lines of conduct alone existed or had been suggested, to wit: —

I. A league offensive and defensive between the

States; a treaty of commerce, and an apportionment of the public debt.

II. An amendment of the present confederation by adding thereto such new and further powers as public opinion might seem sufficiently matured to grant.

III. The formation of a new government to pervade the whole country, and to be endued with "decisive powers," — a government in which should be reposed a "complete sovereignty."

The first alternative was too obviously bad to be openly urged in preference to nobler and more comprehensive plans.

The second alternative was the Clintonian heresy. As we now read the history of that era it seems easy to see that these advocates of a reformation of the Articles of Confederation were from the outset doomed to defeat. There is an indefinite something in their language, which marks it as that of the party which is to be worsted. Be it a covert ill-temper, or a lack of self-confidence or energy in tone, or other obscure fact, yet something surely gives us the sense of recognizing this predestination long before the chapters of the historian disclose it to us. Certain it is that gradually but steadily they lose ground and seem to shrink in importance, in a manner and to a degree not easily to be accounted for in view of the advantages with which they entered into the contest. Yet to those who took part in the conflict this foreshadowing of its result and gradual withering of one faction was far from being thus clearly visible. A great dread dwelt in the hearts of those who "thought continentally."

If they did not despair of victory they were by no means assured of gaining it. It was only with the lapse of time that the slow growth of public opinion began to give them increased courage, and it was doubtless chiefly from policy but partly also because by this time he began really to feel a livelier hopefulness from the development of the sentiment of the members, that Hamilton ventured to note in his brief that the third or last alternative "seems to be the prevailing sentiment."

As for the two rival plans coming from Virginia and New Jersey, he very frankly at the outset confessed himself "unfriendly to both." The Virginia plan was not sufficiently strong and centralized in view of the vast area of the country to be governed. The gravity of this objection will not be vividly appreciated to-day without an effort, to such a degree has distance been annihilated by modern inventions. At that time to ask any person to go to Congress was to request him to travel perhaps half the length of the Atlantic seaboard, either on horseback or by uncomfortable coaches or more uncomfortable coasting vessels. After his arrival at the capital his communications with home, whether for business or for pleasure, must be slow, infrequent, uncertain. The sacrifice was such as few men with ability enough to create strong affiliations in their own neighborhoods would be induced to make. Yet the very extent of territory, as it increased the diversity of interests, made a full and able representation all the more indispensable to the preservation of a submissive and harmonious temper in the widely sundered parts.

Then, too, great distance exerts a kind of physical effect upon the minds of men. This psychological truth came home with peculiar force to Hamilton, accustomed as he was to study human nature with close attention and a rare insight. That we have not seen stronger illustrations of it is due to the railroad and the telegraph. Without these appliances does any one suppose that a government sitting in Washington would long continue peacefully to rule St. Louis or New Orleans, to say nothing of the Pacific slopes? Especially difficult would it be to extend an arm over such a distance for the purpose of plunging the hand into the pockets of the people; and Hamilton prophesied the difficulty of collecting revenues, a difficulty which the Congress of the confederation had found insuperable even when enjoying the aid derived from the closest proximity.

Later, when the Constitution was before the people, and its merits were the subject of strong vindication in the famous letters of "Publius," since known as the "Federalist," Hamilton found his own suggestions used against himself. The anti-constitution party sedulously inculcated the doctrine that it was chimerical to think of bringing so vast a country within the operation of one general system, and asserted that resort must necessarily be had to "separate confederacies of distinct portions of the whole." Yet these same objectors were at this same time opposing the Constitution because it was too energetic a system. Hamilton readily exposed the inconsistency of the arguments of those who in one breath said that the government would not be strong enough to rule, and in the next complained that it was so

powerful that it might be expected to erect itself into a tyranny.

The idea of thirteen separate sovereignties was too preposterous to find any advocates. Those who contemplated dismemberment with equanimity, or even desire, seemed "generally turned towards three confederacies, — one consisting of the four Northern, another of the four Middle, and a third of the five Southern States." Hamilton declared that such a division would in no respect help matters. The persons who feared a strong government would find just as strong a government necessary in each of these three confederacies as was now proposed for the whole Union. Each one of these smaller divisions would be nearly commensurate with the island of Great Britain; and a government having sufficient vigor to operate over such a territory must have sufficient vigor to operate over a much greater area. "Civil power, properly organized and exerted, is capable of diffusing its force to a very great extent; and can in a manner reproduce itself in every part of a great empire by a judicious arrangement of subordinate institutions."

The New Jersey scheme, as has been seen, preserved the system of "requisitions." If any lesson had ever been taught by experience, one would suppose that the futility of this method of raising money would long ere this have taken its place among political axioms. But the vitality of this error was astonishing. People clung to it with a stubborn, immovable resolution which seemed to defy not only the unanswerableness of arguments but the demonstration of experience. To the last moment, the writers in the

"Federalist" had to exhaust all their logic and their eloquence in displaying its "imbecility, inequality, and injustice." They found no other truth so difficult to instil into the popular mind as this one, which ought to have become self-evident. Thus Hamilton was obliged, both in the Convention and afterwards, to argue a question which was difficult only by reason of its plainness and the staleness of the evidence to be adduced against it. "If," said he, "States are to deliberate on the mode, they will also deliberate on the object of the supplies, and will grant or not grant as they approve or disapprove of it. The delinquency of one will invite and countenance it in others. Quotas, too, must in the nature of things be so unequal as to produce the same evil. To what standard will you resort? Land is a fallacious one. Compare Holland with Russia; France or England with other countries of Europe; Pennsylvania with North Carolina, — will the relative pecuniary abilities in those instances correspond with the relative value of land? Take numbers of inhabitants for the rule, and make like comparisons of different countries, and you will find it to be equally unjust. The different degrees of industry and improvement in different countries render the first object a precarious measure of wealth. Much depends too upon situation. Connecticut, New Jersey, and North Carolina, not being commercial States and contributing to the wealth of the commercial ones, can never bear quotas assessed by the ordinary rules of proportion." Sooner or later they "will and must fail in their duty. Their example will be followed, and the Union itself be dissolved."

The main purpose of the New Jersey plan was to retain the Confederation. Yet, says the brief, "the Confederation intrusts the great interests of the nation to hands incapable of managing them." Equally disheartening and undeniable, these words were but the assertion of a fact for which there were two obvious and potent causes, each reacting upon and strengthening the other and yet either of them alone amply sufficient to account for the result. The hands were powerless, because the nerves and sinews which should have given them vigor had been carefully drawn out of them. Congress was incapable of taking charge of the national affairs, because it had been altogether deprived of coercive authority; and this aspect of hopeless impotence naturally deterred men of a very high order of ability from accepting the useless position of membership. The service of the individual State, — even the business of private life, — presented vastly greater opportunities for action and enterprise than did the sessions of Congress. That body was practically an advisory board, subject to the extreme humiliation of seeing its advice in all interesting cases generally disregarded. It was well known that of late it had been composed almost wholly of men of the second and third rank in respect of ability and influence. On the rare occasions when a man of the first rate, like Madison, was persuaded to attend the sittings, his presence rather served as a measure by which to ascertain the general low level of the Assembly than effected an appreciable advance in its average character.

Thus, of the two defects each helped the other, and each presented an obstruction to the cure of the

other. Because Congress was feeble, the best men would not enter it. But since such power as a purely deliberative body can acquire must grow out of its moral and intellectual prestige, it followed that the lower Congress sank in the quality of its component material the less attractions it was able to hold out by which to obtain good material. The weaker it grew the poorer became the class of men who would serve in it; and the more mediocre the character of the members the less influential must the body itself become. Down these two parallel and mutually assistant grooves Congress had been slipping at a steadily accelerating pace for a considerable time past, and the progress promised to continue. The brakes which the Jerseyites wished to apply were quite unequal to the extremity of the danger. There was but one remedy for this sad condition of things, and that remedy was to empower those to whom a task was set to accomplish the task; to do away with the stultification of imposing a duty and taking away the capacity to perform it. Give the chosen governors authority to govern! Such were the pleadings which fell from the lips of all who appreciated the crisis, but with especial vehemence and fervor from the lips of Hamilton. One would think that little proof or illustration of the impotence of the Congress of the Confederation and of the disastrous results of that impotence could be needed. He who would deny either might be expected to deny the roundness of the earth or the saltness of the sea. Yet proof and illustration were abundant, and were piled up like heavy stones upon the cairn of the dead system. For example, there

were the relations of the country with foreign peoples. Treaties might be made, but they meant nothing when made. The nominal sovereign, the Congress, might agree to them; the real sovereigns, the States, might, and in times not long past actually had, set them at nought. So far had this ridiculous and imbecile condition of things become manifest to the statesmen of Europe, that they openly and insolently scoffed at the United States, declared the folly of entering into compacts with such a ghostly and unreal shade, and proposed to negotiate with the States individually, or otherwise not to negotiate at all.

This condition of things was exercising a very injurious effect upon the prosperity of the country. Political treaties, and engagements of alliance, and that description of compacts so necessary betwixt European nations, might indeed be in a great measure if not wholly dispensed with by the United States; but the business relationships of the country were yet to be established, and that they should be well and wisely established was a matter of the first importance. A national government could turn its attention to no question of greater consequence than the commercial connections of this new comer among the trading nations and maritime powers of the world. But the fundamental basis of commercial negotiations lay in the power to regulate duties at home, to establish uniform imposts, and to attend to the collection thereof throughout the whole length of the seaboard. No treaty could be made without involving stipulations of this nature; yet no stipulations entered into by Congress were of any force. The customs were

matter of State legislation, and exclusively within State control; and the States, in fact, insisted very jealously upon retaining this control.

Nor was foreign commerce the only portion of the business of the nation requiring a supervising power which did not exist in, and could not possibly be exercised by, the Congress of the Confederation. The States were grasping and unneighborly to a degree which too obviously involved the gravest danger. Commercial competition had already aroused so much ill-feeling as to leave little doubt that hostilities must in time ensue. There was little to prevent the repetition upon this continent of the history of the unhappiest days of the German empire. Nor in such an emergency could Congress furnish any aid. Shays's rebellion in Massachusetts had but lately demonstrated the utter powerlessness of the national government in any violent conjuncture. Anarchy might then have ensued so far as any compulsory power to prevent it was to be sought in Congress.

Neither could foreign aggression be warded off. The common defence was the business of Congress, if it was the business of anybody. Yet what could Congress do against fleets and armies? Could it maintain either for itself? The very question opened a dispute; how much more surely would the attempt create actual discord. Yet could a power, no stronger than the United States then were, afford to remain defenceless till the attack was actually begun? In 1787–88 a long war with the mother country had just been closed, and a conflict with a trans-atlantic power did not seem improbable. Supposing a war to occur, should Congress oppose eloquent speeches

to the roar of cannon; acts and resolves to ships and regiments; requests to the States for quotas of troops to the advances of disciplined invaders? The country might be half conquered before it could get ready to fight, however full of courage and zeal for the fray.

Money is not only the sinews of war, but it is essential sustenance for the body politic in time of peace. Yet money Congress was seldom able to get. So long as it had been able to borrow, it had been able to keep itself supplied with funds, for it had been permitted to run in debt *ad libitum*. The people had been quite indifferent as to the extent to which the national promises to pay had been issued, and it was probable enough that this indifference might continue. Mr. Micawber did not distribute his notes of hand more cheerfully. But there is a natural and inevitable end to this description of financial resource, and in 1787–88 that end appeared at last to have been definitively reached by the United States. The civilized world had no farther supply of persons who were fools enough to lend money to an omnivorous borrower, endowed with an infinite power of absorption, but no power of repayment. The United States as a receiver of money was a substantial entity, but as a debtor became unreal and incorporeal as the shadow of a shade. It took as a nation: it defaulted as a league. The manifest obstacle in the way of the Congress was that, whereas the actual payment of money for its behoof must be made by individuals, it was able to reach only communities, the sovereign States. To-day the government draws its funds directly out of the pockets of the merchants; but the

Confederation could only make a requisition on a sovereign power: it could not touch the actual cash or the particular person. Some charitable State would occasionally cast a pitiful driblet into the national treasury, a contribution rather resembling an alms than the proceeds of a system of national taxation. This condition of things the New Jersey plan proposed to perpetuate.

The most hopeless feature of the situation lay in the fact that this insolvency was not without a color of excuse. Not only were the people very poor and their supply of ready money painfully scanty, but the States found it easy to pick really important flaws in the requisitions made upon them. The total sums to be raised had to be apportioned, and the apportionment was made upon a principle far from satisfactory. Imperfect in theory, it was presumably much more imperfect in application; nor could the States be expected to grow more submissive to it as its defects became more apparent.

A summary of the condition of affairs at the time of the debates upon the new Constitution is contained in the fifteenth of the "Federalist" papers, from the pen of Hamilton. It is so terse, so vivid, and so accurate a sketch as to deserve reproduction.

"We may, indeed, with propriety be said to have reached almost the last stage of national humiliation. There is scarcely any thing that can wound the pride or degrade the character of an independent people, which we do not experience. Are these engagements to the performance of which we are held by every tie respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners and to our citizens, contracted in a time of imminent peril for the preservation of our political existence? These remain without any proper or

satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which by express stipulations ought long since to have been surrendered? These are still retained, to the prejudice of our interests not less than of our rights. Are we in a condition to resent or repel the aggression? We have neither troops, nor treasury, nor government. Are we even in a condition to remonstrate with dignity? The just imputations on our own faith with respect to the same treaty ought first to be removed. Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our government even forbids them to treat with us: our ambassadors abroad are the mere pageants of mimic sovereignty. Is a violent and unnatural decrease in the value of land a symptom of national distress? The price of improved land in most parts of the country is much lower than can be accounted for by the quantity of waste land at market, and can only be fully explained by that want of private and public confidence, which is so alarmingly prevalent among all ranks, and which has a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending is reduced within the narrowest limits; and this still more from an opinion of insecurity than from a scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded what indication is there of national disorder, poverty, and insignificance that could befall a community so peculiarly blessed with natural advantages as we are, which does not form a part of the dark catalogue of our public misfortunes?"

This could not have been a pleasant paragraph for the opponents of the Constitution to peruse. They could find no comfort in contradiction, for every

one of its many discouraging assertions could be proved.

On the part of a government, power to be useful implies power to act. Simple as this truth is, yet it took a great deal of argument to make a majority of the people of the United States believe or consent to apply it. By the Jerseyites, a power to vote that something should be done was either honestly mistaken for or dishonestly represented as a power to compel the actual doing. It was this fallacy that it was most difficult to combat. Congress can do this and that, said the confederationists; Congress can only require this and that to be done, replied their adversaries. The difference is plain enough now, but our great-grandfathers found much difficulty in seeing it. The New Jersey plan, it is true, did empower Congress in certain extreme cases to call out the military power of the Union against a recusant State. But, as Hamilton showed, this amounted to little more than a power to initiate a civil war. Of course the final arbitrament must always be the recourse to arms. The present generation has been obliged very thoroughly to comprehend that. But the Jersey plan brought this final arbitrament close at hand, so that, in all human probability, if the future should anywise resemble the past, it would be invoked almost at once, and with a frequency which would be stayed only by proof, doubtless soon to be gathered from experience, of its utter futility. The trouble was, that such coercive power as the Confederation, amended according to the Jersey plan, could exercise, was made operative immediately in a military form against a State; that is to say, against a powerful, organ-

ized, nearly independent and sovereign body. Under the Constitution, the coercive force of the government is in the first instance operative directly upon the disobedient individual and through the pacific instrumentality of the courts of law. Some person breaks a law; proceedings are instituted against him in the national tribunals of justice; after adjudication the sheriff, a civil officer, by civil process executes the mandate of the law against a private person. The one operation is warlike, aggravating, and dangerous; the other is peaceful, unobtrusive, and harmless. But all this seemed fallacious, uncandid theorizing to the minds of the party of State rights.

Reasons enough were here adduced, one would think, to show that the Confederation ought not to be amended. Other reasons to show that it could not be amended, or not easily and with any fair prospects of success, were by no means wanting. Chief among these Hamilton mentioned the fact that the advocates of amendment were not unanimously agreed upon what they wanted. Thus there was the question of first importance, the impost. If any amendments at all were to be made, the first and most valuable would be to confer upon Congress the power to levy duties. Yet for many years no matter had been discussed with so little prospect of arriving at such a conclusion as would be generally acceptable, or likely to be put into effectual operation. Then there was the whole broad subject of commerce, of vital importance, constituting the life-blood of the nation. Yet how many different and clashing theories were entertained concerning it! The hope of framing any

compact likely to be faithfully observed or permanently enduring was lamentably slender.

But to offset the unanswerableness of all these arguments, the party of amendment had the advantage of standing on the defensive. Any thing which came to hand and could serve as an obstruction they cast in the path of their adversaries, without much regard to its character. Their only purpose was victory, or rather not to be conquered. Like defendants in a litigation, it was a matter of indifference to them whether they could gain their case upon the merits, or whether they could succeed upon technical grounds. Even delay was not unwelcome. They were content if actual judgment should not be given for their opponents. Accordingly they demurred to the jurisdiction. Not satisfied with urging that the country did not need a new Constitution, they also took the ground that even if the necessity existed the Convention had not the authority to grant the relief in that shape. In support of this view they appealed to language of the resolution of Congress under which the Convention had been called into existence and was now sitting. After reciting that "there is a provision, in the Articles of Confederation and perpetual union, for making alterations therein by assent of Congress and the State legislatures," it had been "Resolved, that in the opinion of Congress it is expedient that on the second Monday in May next a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress

and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, under the federal Constitution, be adequate to the exigencies of government and the preservation of the Union." The credentials of the delegates from the various States were also cited in farther support of the same argument. Many of these followed with substantial accuracy the phraseology of the resolution of Congress. Such were Massachusetts, Pennsylvania, Delaware, Maryland, Virginia, and Georgia. It was obvious that these States had not contemplated the framing of an entirely new system by which the one then existing should be in no proper sense altered or amended but altogether swept away and superseded. Only a few of the credentials were more largely phrased, and gave a more vague and general authority.

Technical force cannot be denied to this argument. In view of the language of Congress and of the greater number of the resolves of the State legislatures and the credentials issued in pursuance thereof, it must be acknowledged that the weight of legal authority was unquestionably with the party of amendment. Even where a more comprehensive phraseology had been adopted, it was not necessarily attributable to any deliberate design of enabling the Convention to frame an entirely new system of government. Doubtless what was in the minds of most of the legislators, national or State, was alteration and addition to be applied more or less freely to the existing articles. The men whose designs extended to a fundamental destruction and complete rebuilding had generally found it the more

discreet course to keep their purposes very private. What action the legislatures could have been induced to take, had such more grand propositions been submitted to them, must in nearly every case be matter purely of surmise.

But if the intentions of some other of the State legislatures could be doubted, the Senate and Assembly of New York, at least, had put their doctrines into an unmistakable shape. There the Clintonians could not be unsuspicious of the far-reaching projects of Hamilton; and in making him a delegate, though subject to the check of Yates and Lansing, they took especial precautions to add other fetters beforehand, and, so far as they could, to render him altogether harmless. They despatched their delegates to take part in the Convention, "for the *sole and express* purpose of *revising* the Articles of Confederation." That this brief and limiting phrase was not used undesignedly may be inferred from many circumstances, and especially from the conduct of the two gentlemen named as Hamilton's colleagues. They were fully informed of the tactics of the dominant party in their State. They attended the Convention with the intent upon their own part — an intent quite consonant to the views of the majority of those who sent them — to curtail the action of that body within very narrow bounds. They had been elected, in fact, upon this understanding, — none the less clear because not set forth in the words of a distinct pledge. They understood that they were in their seats in order that they might obstruct and curtail all extended reformatory action, and by no means in order that they might further

and enlarge it in any substantial or principal point. Accordingly, when they found that the party of liberal views had surely secured the ascendancy, and would succeed in recommending a new system of government in spite of the influence of New York and the arguments of Luther Martin, they withdrew from the Convention (July 5, 1787) and wrote an explanatory letter to the governor of New York. Purporting to justify themselves, they really intended it as a sort of campaign document. Therein they stated, as a principal reason why they could not give their consent to the proposed Constitution, that from the expressions of their credentials they believed that a system of consolidated government could not in the remotest degree have been in the contemplation of the State legislature when it sent a delegation to share in the discussions of the Convention.

The plain truth was that a great crisis was present in which the shackles of words must either be broken, or, in being respected, must do the irreparable mischief of paralyzing the efforts by which alone the emergency could be encountered. To-day, the deference which was shown to this verbal construction appears almost wholly needless and wholly vexatious. One is inclined to say that the advocates of a new and sufficient frame of government should have challenged the cavillers at the outset with the bold and frank assertion of the imperative need of the hour, and of their resolution — whatever might be the ultimate result of their action — at least to offer to the people an adequate system. Thus it seems that they might have courageously encountered the niceties of the cavillers; thus fulfilling their sub-

stantial duty, and throwing themselves upon the intelligence and right feeling of the nation at large for their justification. Feasible and attractive as such conduct is wont to appear after the instant pressure of the emergency has been removed, it has seldom been deemed practical by wise and even daring men when called upon to act at the time itself. So lately when the war of the rebellion broke out it was found that the war powers provided by the Constitution were grossly inadequate to the needs of the hour. It was obvious enough that those needs were entitled to ride paramount over all technicalities, or even over the most precise expressions: that indeed the nation must be preserved, whether the parchment code provided for its preservation in a regular manner or not. But government dared not present such a proposition as the sole basis of its procedure, even to the fervent patriotism of the northern States. All sorts of fallacious verbalism and far-fetched inference were resorted to, for the purpose of making the nation believe that what was done in obvious excess or disregard of constitutional powers was yet, by some legal legerdemain, done in pursuance of the Constitution. Sober citizens, who were only too anxious to be hoodwinked, stood very gladly to have the bandages put over their eyes.

Very similar were the circumstances at the time of the Constitutional Convention. It was necessary to argue that the formation of an entirely new Constitution was within the contemplation of the State legislatures, was covered by the language of the congressional resolve and the credentials of the delegates, and was clearly within the just powers of the body.

Hamilton accordingly, reviewing the powers with which the Convention was invested and the statement that the deputies were appointed for the sole and express purpose of revising the Confederation, altering and amending it so as to render it effectual for the purposes of a good government, said that an erroneous stress was laid upon the terms *sole* and *express*, as if they were intended to confine any scheme of government to a federal nature, like the present one; whereas he declared the manifest import to be nothing more than that the institution of a good government must be the "sole and express" object of the deliberations of the Convention. Truly an ingenious evasion of the verbal argument! Nor, said he, can we suppose an annihilation of our powers by reason of the formation of a national government; that is to say a consolidated government in contradistinction to the loosely united league at present existing. Many of the State constitutions contained no provisions for alteration. Yet it was not therefore to be supposed that an alteration was intended to be, or in fact was rendered, an impossibility. He stated that when the credentials of the New York delegates were under consideration in the State legislature it was proposed to restrict their powers so that they should be prohibited from encroaching on the Constitution; to which it was then replied that in the formation of a new Union some abridgment of the constitutional powers of the State might be unavoidable. The answer had appeared reasonable. No such restriction had been inserted lest inconvenience might ensue; and the action of the legislature had left the deputies at liberty to join in forming such a na-

tional government as they should think to be best adapted to the good of the whole. "I have therefore," he said, "no difficulty as to the extent of our powers, nor do I feel myself restrained in the exercise of my judgment under them."

But not content to rely wholly upon this casuistry, Hamilton also met the exigencies of the position fairly and honestly. Again he used the advantages of his situation, and declared his opinion that whatever were the powers given to the Convention its duties were manifest. The necessity of the whole country was a higher authority than the scrap of parchment on which was engrossed a legislative resolve. He agreed with Mr. Randolph that "we owe it to our country to do on this emergency whatever we shall deem essential to its happiness. The States sent us here to provide for the exigencies of the Union. To rely on and propose any plan not adequate to those exigencies, merely because it was not clearly within our powers, would be to sacrifice the end to the means." Two days later Mr. Mason followed in the same strain, remarking that "in certain seasons of public danger it is commendable to exceed power." The party was beginning to feel stronger.

The plain truth is that the Constitutional Convention unquestionably did go beyond and far beyond its strict literal powers in forming and offering to the people an entirely new Constitution of government. Nor was this truth less well known at that day than it has been since. The desperate efforts which were made to gain for words a more liberal construction than their plain meaning would admit were sacrifices to policy, submitted to by the stronger spirits

merely in order to soothe and aid the weaker brethren. The argument *ex necessitate* was often referred to by the more outspoken advocates of a national government, and was doubtless felt in all its force as an influence upon the action of those who preferred nevertheless to be silent in regard to it, or even to be or to pretend to be deceived on the point of technical power.

Among the evils which the opponents of the Constitution foresaw, a serious one lay in the fear that an aristocracy of wealth might be established which would gain possession of the government. The difficulty and expense necessarily attendant upon distant journeys and prolonged absences from home were said to constitute taxes upon the purse which only rich men could endure, and which would prove great auxiliaries to the customary potentiality of money. Hamilton drew a directly opposite and not less logical conclusion from the same premises, conceiving that men of property and influence would hardly consent to be dragged long distances to attend a national legislature. Experience had thus far been upon his side of the argument; but the interposition of railways and telegraphs has prevented a fair trial of the accuracy of either opinion. Certainly it is to be hoped that most of the States have at home better men than they send to Washington; but if such is the case the explanation is not generally to be sought in the facts of distance and consequent expense.

In contemplating the political and social conditions which were likely to ensue under a government even upon the Virginia plan, some serious features of danger were visible. The State would have control in

all the more interesting affairs of the people within its borders. Their business, their homes, their domestic affairs, all their daily life with its numberless needs and comforts, would fall within the domain of the State and not of the national administration. There was too much chance that the State would gain an overmastering influence in their minds. It would seem to give them nearly every thing which men demand from their governors; and in return the sense of loyalty and attachment, the belief in usefulness and necessity, would all tend towards this apparent liberal giver. The States would rapidly grow populous, rich, and powerful. Enormous interests would be controlled by their governments. Was it improbable that the ablest men would be attracted to a service of which the distinction would appear so prominently and immediately before their eyes?

So fraught with mischief did this probable rapid increase of State influence and State absorption appear to Hamilton, that at one time he confessed himself able to contemplate with equanimity the extinction of State governments and the unification of all the inhabitants of the country into one amalgamated people. This condition of things seemed to him to involve less danger and difficulty than the existence of so many powerful and distinct political entities, each completely formed and possessing a sovereignty which, though curtailed in some respects, must necessarily be of great magnitude. But though he could contemplate such a project without alarm he never preferred it, declaring that, "in order to carry government to the extremities, the State governments reduced to corporations and with very limited

powers might be necessary, and the expense of the national government become less burdensome."

The new Constitution framed by the Convention has been in operation upwards of three quarters of a century, and as yet we have seen no indications of the national government becoming dwarfed in power or importance in comparison with the State governments, or any of them. Hamilton certainly overrated this danger. But it should be remembered that there were then only thirteen States, with a chance of a gradual increase by the addition of less than half as many more, at intervals likely to extend through a long series of years. Obviously, any single State was then a much more important unit than it is now; equally obvious is it that unification then was comparatively a simple and easy matter.

But apart from this point of growth, which might have been and in fact was in some very small and inadequate part foreseen, another very important consideration demands attention before judgment can be passed with justice upon Hamilton's willingness to see the States reduced to "corporations with very limited powers." For, no sooner, as we all know, was the new government set in operation under the Constitution, than two parties — that of the strict constructionists, and that of the liberal constructionists — sprang into existence. The former wished to construe the instrument with such narrow and literal precision as would in every case of possible question reduce the powers thereby reposed in the national government to the smallest possible measure. The latter sought the opposite course, and strove by generous implications to carry the federal

authority to a considerable measure of power. Very fortunately, the latter party retained political ascendancy long enough to establish their doctrine in practical working. In no small degree was this due to the vigorous efforts of Hamilton, who thus appears largely responsible for the falsification of his own predictions. Had the course of events been otherwise, had the power of the national government been circumscribed and seldom brought close to the daily affairs of the people, leaving the State governments to fill very nearly the whole circle of their vision, as Hamilton had thought too probable, his prophecies would surely have been fulfilled. He did not dread an unreal danger, but one which was averted by the fortunate predominance of a party with a strong and wise policy.

This topic was afterward debated with much vehemence in the State convention of New York, where the jealous regard for State sovereignty was a chord played upon in that assemblage with much assiduity and skill by the opponents of the new Constitution. The State governments, as the Clintonians were never tired of averring, were destined to extinction. It was a delusion to assert that they were to remain supreme in all except certain designated matters; for the national government was to be supreme, and how could there be two supremes? It cannot be doubted that the obvious fallacy of this argument was plainly perceived by many of those who nevertheless used it for the sake of its effect upon minds less shrewd and logical than their own. Yet it deceived more persons than would now be supposed. That sovereign bodies could form component parts of a single sovereign

body, and yet not part with their character of individual sovereignties except in a few definite particulars, — a proposition now so familiar, — was in those days accepted slowly and distrustfully. The simple explanation was mistaken for sophistry; its very simplicity aroused suspicion; it was thought that there must be some element of impossibility lurking behind the few short sentences in which Hamilton and his coadjutors sought to display the principle of a plan so grand. Again and again was Hamilton obliged to reiterate his arguments that "two supreme powers are inconsistent only when they are aimed at each other or at one indivisible object. The laws of the United States are supreme as to their proper constitutional objects. Those of the States are supreme in the same way. These supreme laws can act on different objects without clashing; or they may operate on different parts of the same common object with perfect harmony. The meaning of the maxim that there cannot be two supremes is simply this, — two powers cannot be supreme over each other." "The word 'supreme' imports no more than this, — that the constitution and laws *made in pursuance of it* cannot be controlled or defeated by any other law. The acts of the United States will be absolutely obligatory as to all the proper objects and powers of the general government. . . . But the laws of Congress are restricted to a certain sphere, and when they depart from this sphere they are no longer supreme or binding. In the same manner, the States have certain independent powers in which their laws are supreme."

In this portion of the debate in the State Conven-

tion, Lansing, in the course of one of his speeches, accused Hamilton of inconsistency, asserting that though now he treated as chimerical the idea of hostility between the national and the State governments, he had not always been of the same mind; that in the convention at Philadelphia he had appeared fully convinced that a want of harmony between the central government and the States would exist, and upon this basis had "argued with much decision and plausibility that the State governments ought to be subverted, at least so far as to leave to them only corporate rights; and that even in that situation they would endanger the existence of the General Government. But," he concluded, "the honorable gentleman's reflections have probably induced him to correct that sentiment."

Lansing having hurled at his adversary this terrible weapon, a charge of having upon reflection changed his mind, Hamilton interrupted in order to explain the sentiments now and previously entertained by him, sentiments which had apparently been imperfectly understood, since they were supposed to have undergone so extensive a modification. He affirmed that in the general Convention his ideas had been uniformly the same as on the present occasion; that though he at that time declared, as he had constantly and publicly done since, "his apprehension that the State governments would finally subvert the general system unless the arm of the Union was more strengthened than it was even by this Constitution, yet he had, through the whole of the business, advocated the preservation of the State governments and affirmed them to be useful

and neeessary." Lansing's remarks he deelared to be "unbeeoming, improper, and uncandid." Sueh a deseription of his conduct naturally exeited Lansing's resentment, and he appealed to Chief Justice Yates to verify his assertion by the authority of the notes taken by that gentleman during the debates in the federal Convention. The controversy was eut short for the day by a motion to adjourn, which was earried. But at the next meeting Lansing returned to the subjeet, and again demanded the evidenee of Yates's memoranda, — notes, by the way, which were very meagre and unsatisfactory as a record of the proceedings whieh they profess to ehroniele. Hamilton agreed. The Chief Justice, thus invoked by both eontestants, arose, apologized for the possible inaeeuraey of his minutes, and said that in the national Convention Hamilton had strongly urged that the most complete sovereignty should be eonferred upon Congress; and that, to prevent encroaehments which he anticipated as likely to be made by the States upon the department of the general government, he desired that the State governments should be redueed to a smaller scale, and should be invested only with eorporate powers. Hamilton said that the word "eorporate" was ambiguous, and asked Yates whether he had understood it to be used on that oeeasion as descriptive of powers similar to those of the eity of New York. Yates replied that he had not so understood it, that he had understood the gentleman not to wish such a privation of powers as would reduce the States to mere eorporations in the popular aeceptanee of that term, but only such as would prevent the members from retarding

in any degree the operations of the United Government.

Hamilton then farther inquired whether Yates did not remember hearing him say, after this debate in the federal Convention, that in his opinion the State governments ought to be supported, and would prove useful and necessary; also, whether at the same time he had not recommended a certain measure for the express purpose of furnishing additional security to the State governments, — the establishment of a Court of Impeachment, to be composed of the Chief Judges of the several States, and the Chief Justice of the United States. Yates acknowledged these facts to rest in his memory, though not embodied in his records. Mr. Jay then proposed further interrogatories, to which the Chief Justice replied by reiterating in general terms what he had already explicitly stated: that Colonel Hamilton did not appear to him to aim at a total extinguishment of the State governments, but only at depriving them of the means of impeding the operation of the Union. Lansing undertook to interfere with certain explanations, but was ruled out of order because Jay had the floor. Later, he expressed the wish that Chief Justice Yates's notes might be read, but was met by the point that they could only be introduced, in accordance with the rules of the House, by a formal motion. This he did not see fit to make; so the matter was dropped at this point and very properly, since the controversy had reached that stage at which it became profitless. Hamilton's position, past and present, had been made sufficiently intelligible. The question at issue was narrowed down to little more

than a verbal dispute; namely, whether in using the phrase "corporate," or "corporation," he had employed a proper word to convey the meaning which he professed to have in his mind.

Whether Hamilton's opinions on this subject had, unconsciously to himself, undergone some degree of modification, is not a very important matter. In the course of such long and able debates, it is probable that few intelligent men maintained to the end all their first convictions in the original shape. Undoubtedly he had expressed in strong language in the Convention his belief in the necessity of subordinating the parts to the whole, the States to the nation. In so doing, he was preaching the sermon appropriate to the hour. So great, and so little understood, were the needs of that critical hour, that like many preachers he may have let his language run somewhat in advance of his cool, established belief. When the most sanguine hope that one can entertain is that his advice may be adopted only after a considerable discount has been made from it by his hearers, the temptation is strong to offset the anticipated discount by a proportionate degree of over-statement in the beginning.

The purpose of real importance is to gather from his language, on the many different occasions when the topic was under discussion, the opinions which were finally and permanently entertained by him. If at any time he feared the influence and under-rated the usefulness of the State government as a political entity, embodying no small measure of real sovereignty and substantial power, he appears soon to have arrived at a sounder or more moderate feeling.

For he is repeatedly found dwelling upon the advantage of having the State governments established as permanent safeguards against usurpation and tyranny on the part of the Federal government, or any one of its branches. The States, he anticipated, would be ever jealous of any appropriation by the National government of rights or powers not strictly its own; for in arrogating any, the smallest, privilege not surely belonging to it, necessarily it encroaches upon the prerogative of the States, one and all. No department of the general government could dangerously invade a coördinate department, without exciting in some State or States alarm and resistance. In case of the need arising, the States would stand ready, as complete organized political bodies, to assert and maintain their rights; each having all the machinery of government in active operation, a full set of officials, a militia, a treasury, a system of taxation. The war of the rebellion has since fully justified Hamilton's statements in this regard.

When, therefore, upon the one hand Hamilton deprecated the fear that the central government would paralyze and absorb the particular governments, and saw and predicted a quite opposite working of our political machine, he uttered only such warnings as history has ratified, and he was not deserving of the reproach of enmity to the States. When upon the other hand he pointed out as matter for comfort and satisfaction, that the organization of the States presented a protection against the establishment of despotism more sure, immediate, and potent than had ever been enjoyed by any people in

the world, he told a truth which it is impossible now to call in question. He was equally wise, therefore, in dreading the gift to the States of too great power, and in asserting the advantage to be derived from perpetuating them as the depositaries of a substantial authority.

Not to oblige the reader to rest too much upon arbitrary statements, it may be well to quote a few sentences from Hamilton's language in one or two instances, selected from many equally quotable, in support of the foregoing interpretation of his sentiments on this important subject.

"The existence of the State governments," he said, in the New York Convention, "must form a leading principle in the most perfect constitution we could form. It never can be the interest or desire of the national legislature to destroy them. It can derive no advantage from such an event; but would lose an indispensable support, a necessary aid, in executing the laws and conveying the influence of government to the doors of the people. . . . The destruction of the States would be a political suicide." Thus much for his opinion of the usefulness of these organizations as a part of the machinery of the body politic. Again: "The States can never lose their powers, until the whole people of America are robbed of their liberties. They must go together. They must support each other, or meet one common fate." "The State governments are essentially necessary to the form and spirit of the general system. . . . While the Constitution continues to be read and its principles known, the States must by every rational man be considered as essential component parts of the

Union; and therefore the idea of sacrificing the former to the latter is wholly inadmissible."

Concerning the duration of the terms of office for the executive and the senators, Hamilton contended long and strenuously. He would fain have seen them elected for life or good behavior. With great force did he urge the necessity for introducing into the government a strong element of stability. He did not hesitate to acknowledge his dread of a pure democracy, a description of government which certainly has never yet in the history of the world been known to flourish for any length of time. Yet, on the other hand, a numerous party was anxious to give to the American system a strong democratic complexion, proposing to do without any executive department, and to establish a Congress consisting of one chamber only, the individual members of which should be subject to arbitrary and immediate recall by their constituents at any moment.

It must be frankly confessed, whatever may be thought of the admission, that Hamilton was far from placing any profound trust in the mass of the people. If *vox populi* was indeed *vox Dei*, he thought it was quite as often the infernal as the supernal deities who spoke through this fickle and ignorant mouthpiece. A government founded on the sober common sense of the people he wished to see established; a government plastic beneath the influence of the mutable popular passions he deprecated, as of all schemes the worst. A democracy, turbulent, uncontrollable, excitable, partially informed, stood in need of those checks which could be furnished only by that part of the community which had more at stake, which

was better qualified to know fully, to think coolly, to judge wisely. This body, being in possession of one branch of the government, would interfere in its administration with a superior wisdom proportioned to their superior intelligence and greater interest in the national prosperity.

An executive that is good for any thing cannot be included as a part of a government constructed upon a purely democratic plan. That, said Hamilton, is admitted. To be efficient the executive must be placed above temptation, and yet be so placed that he can have no interests distinct from the public advantage. An executive and one branch of Congress to be elected for life, or good behavior, could not be properly regarded as inconsistent with a republican theory of government, so long as they should remain elective. Nor did Hamilton think an executive chosen for life likely to be so dangerous to the liberties of the people as one holding office for seven years. Such a government might be stigmatized as an elective monarchy. But what, demanded he, is a monarchy? May not the governors of the respective States be described as monarchs with equal justice? Nor can an executive officer who is subject to impeachment, as the chief executive was intended to be under all the proposed plans, be designated with any propriety as a monarch.

Again and again has it been asserted that Hamilton wished to see a monarchy established in this country, that he secretly schemed for it, that his attachment to our Constitution was but a hollow and superficial pretence. The statement has been put forth dogmatically, unsupported by any substantial

evidence, but by obstinate repetition has gained an undeserved importance. The name of monarchist is hurled against him as if it were a bull of political and social excommunication, fit utterly to destroy his reputation among all good men, to shatter the memory of his usefulness, and annihilate the belief in his patriotism. An artificial consequence has been imported into the discussion by an unfair way of stating the charge. If there were the slightest ground for supposing that Hamilton ever entertained any design of actually introducing a monarchy into the country, especially if he entertained this design with the collateral intent of subverting an existing government or foisting upon the people a government of a kind to which the majority of them were opposed, it would truly be a most weighty accusation, deserving to be investigated with all possible care and adjudged upon only after the deepest consideration. But, fortunately, the indictment does not directly allege any such criminality. Accounts have, indeed, been so artfully written or so darkly phrased as to encourage vague inferences. Insinuations and hints have suggested ideas which the writer has not ventured to express in distinct words. But I am aware of no plain, blunt charge of monarchical treason against Hamilton; and I am certain that not one tittle of evidence can be adduced to show that he ever contemplated the establishment of monarchy in the United States. On the contrary, the evidence that he regarded any such project as preposterous and utterly impossible is overwhelming.

The secondary and far less important question relates to Hamilton's own individual opinion as to the comparative merits of a monarchical and a repub-

lican form of government. The discussion of it is interesting to those who wish to understand his mind, to study his beliefs. If he ever, for so much as a moment, cherished the design of introducing monarchy into the United States, that fact affects his character and standing as an American statesman; if he simply entertained a private belief that a monarchy was a form of government equal or superior to a republic, the fact is of value only to those who wish to form their opinion of the greatness of his intellectual power, by determining the accuracy of his mental convictions. That he cherished such a belief, provided that he never sought to act upon it, has nothing to do with his public career.

But to those who care enough for Hamilton to read a life of him, his convictions on the great subject of government are of sufficient interest to justify the presentment of such evidence as exists concerning them. Some persons have said that he openly avowed his belief in a monarchy based upon the principles of Great Britain. The statement, according to any authorities which I have been able to discover, embodies inaccuracy and exaggeration. The language which Mr. Yates puts into his mouth is this: "I believe the British government forms *the best model the world ever produced;* and such has been its progress in the minds of the many, that the truth gradually gains ground. This government has for its object public strength and individual security. It is said with us to be unattainable. If it was once formed, it would maintain itself."

In the "brief" of his speech to the Convention we find this paragraph: "The general government

must in this case not only have a strong soul, but *strong organs* by which that soul is to operate." Directly following are these words: "Here I shall give my sentiments of the best form of government, — not as a thing attainable by us, but as a model which we ought to approach as near as possible. British Constitution best form." Hamilton's position is plainly enough to be gathered from these remarks. The British government was the *best model* which the delegates in that Convention had before them. It was the best government which up to that day the world had seen. Will any one controvert this simple and harmless proposition? Will any one, transferring himself back to that spring of 1787, and conning the history of the world so far as it had then been written, venture to suggest any other government as preferable to the British system? The excellence of that since established in this continent has nothing to do with the question, for it was then non-existent. Would any one have been able then to point to a better "*model*" than was furnished by the king, lords, and commons of England? Assuredly it is to be hoped not! It is to be hoped that Hamilton was right, and that the British Constitution was the "best model;" for so far as our Constitution can be said to have been formed upon any model, it was formed upon that. It did not follow it very closely, certainly, but it approximated to it much more nearly than to any form of government which had ever, up to that time, succeeded in maintaining a permanent establishment in the world. It was the British system republicanized; that is to say, having the elective element substituted for the hereditary in certain

parts. Surely, then, there was nothing heinous in this quite honest and moderate commendation of the British precedent, not offered for blind adoption and transplantation, but only as an excellent "model" worthy of study and consideration.

That this was the extent of Hamilton's intention in uttering his praises of the British Constitution is made abundantly obvious. In the brief he mentions it "not as a thing attainable by us." Yates says, that, after expressing his sentiments as to a republican form of government, he declared: "Whatever may be my opinion, I would hold it, however, unwise to change that form of government." Again, after urging the considerations which moved him to wish for a consolidated, a "general" government, he says: "Yet I would wish to go to the full length of republican principles;" and in the same connection he takes great pains to show that the election of the executive and senate for life or good behavior, according to his wishes, was really in harmony with the true republican principles.

The remark reported by Yates, — no friendly reporter be it remembered, — that if a government resembling that of Great Britain were once formed among us it would thereafter maintain itself, is the strongest intimation which exists, that Hamilton ever contemplated such a naked possibility. But even this is a mere passing utterance of an abstract opinion carefully based upon the contingency of formation, a contingency which he repeatedly declared could never become a reality. Again and again he acknowledged the imperative necessity of creating a republican government; and again and

again he announced his firm belief that no other form could be thought of. He very frankly expressed his anxiety as to the working of republican institutions in any of those precise forms which were proposed, or were likely to be established. But he was unwavering in his assertion that the experiment must and ought to be tried. Certainly it is highly honorable to him that he did his utmost to make the experiment successful, though regarding it with such serious misgivings. A man of meaner spirit might have been content to watch the formation of a Constitution embodying all the seeds of weakness and death, happy in anticipating the hour of its destruction, when his wisdom might be vindicated and his aid at last invoked. But Hamilton appears in a light as honorable as statesman ever stood in. He neither concealed his sentiments to curry present favor, nor acted in bad faith to secure future glory. In substance he boldly said: I much fear that you are building a structure on erroneous principles, which will not have strength enough to stand through many generations; but I know that you fully believe in these principles, that you will never rest content till you have tested them; you are resolved to make the trial, and it is right and best that you should do so. It may be successful, and you may prove to be right in your anticipations. I am not so sanguine as you are, but I will help you to the very utmost of my ability, with head and with hand; and the structure, built as you think best to build it, shall be reared with every aid and advantage which my exertions can furnish.

Such, in a word, was the position which Hamilton

assumed in this matter; such was the line of action which he marked out for himself, which, with all his native vigor, and in unquestionable good faith, he followed out thoroughly and to the extreme end. It seems to need no farther defence than is contained in the mere explanation.

There is an element of absurdity in undertaking to show, by the discussion of words and phrases, that Hamilton did not covertly seek to set up a monarchy in this country. It is matter of undisputed history, that the holding of the Convention, and thereafter the adoption of the Constitution by the people, were promoted more by his efforts than by those of any other single individual in the United States. Not only is this true, but it may be farther said that so prominently did he stand forth as the most untiring, able, vigorous, and successful prosecutor of this task, that no one deserves to be named as second to him. The interval betwixt him and even Madison is very great. Madison's chief labor lay in framing the Constitution. Hamilton did harder and more efficient work in New York, both before the Convention was determined upon and after it had sent forth the Constitution, than Madison was called upon by circumstances to do. One would think that his distinguished record at this period would furnish full and superabundant vindication of the good faith of the earnest and successful laborer. But some foolish persons having ventured to say that the task was not prosecuted with sincerity, and having sought to support this view by inferences drawn from disjointed and imperfectly reported utterances of Hamilton, it becomes necessary, not so much to vindicate his hon-

esty, which can hardly be impugned on such evidence, as to show that his words were not even in appearance otherwise than perfectly consistent with his deeds, and can be made to seem otherwise only by the drawing of wholly unauthorized or unjustifiable inferences.

Severe as have been the animadversions called forth by Hamilton's frank acknowledgment of the excellence of the British monarchy and constitution as a model, there were many others who went much farther than he did in this unpopular direction, but who, by reason of being less able or less prominent, have had the good fortune to escape the attacks made with so much less justice upon him. Against the doubts and cavils of these men he spoke in eloquent defence of republican principles and modes of government. He stigmatizes "the mad project of creating a dictator," which had at one time been broached, and which, so soon as he heard of it, met his "instant disapprobation."

The alleged difficulty of securing a proper representation had led many persons to advance the principle that "no government but a despotism can exist in a very extensive country." Against this position we find Hamilton, the supposed advocate of a monarchical establishment, vigorously plying the cudgels. Indeed it would be difficult to find better defences of republicanism than are contained among his speeches and writings of this period.

PART III. ADOPTION OF THE CONSTITUTION.

Sketches have been preserved of the debates in the several State conventions which met to consider the ratification of the new Constitution; and the history of the circumstances, the feelings, the motives and arguments which brought one after another within the bond can be learned with little trouble. Concerning this matter of the adoption of the Constitution, the same truth prevails which has been stated of the Revolution, — that it will not bear very close examination, without revealing a vast mass of detail in respect of both fact and sentiment, which, at least for picturesque and heroic effect, it is better to forget and allow to become lost to sight in the distance. The spectacle, in its chief features, is very grand. This great system, under which the United States have expanded to such a measure of power and prosperity, was evolved by a small body of men who spent a few weeks in discussion, the delegates of a people which had had the schooling of only a few brief and troubled years of independence, and which yet had the wisdom and the temper to adopt this novel political structure. History has no similar tale with which this may be compared. About the same time, it is true, France was full of constitution-makers. Every person who knew how to write, in that surprising country, had a sketch of a perfect form of human government in his coat pocket; but who would think it otherwise than insulting, to set the Constitution of the United States, the men who wrought it, the people that accepted it, beside the

ephemeral vagaries and the galvanized enthusiasts of France?

Yet it must be acknowledged that the picture is not all a mass of refulgent glory. The people did not hail with unanimous accord and accept with universal delight the magnificent prize which was within their grasp. They were but human; they were of various degrees of intelligence; they had their share of suspicion; they were anxious, alarmed, critical; the men of ability and high repute, even the honest and disinterested ones among them, were far from being all upon one side; the arguments were evenly balanced to a painful extent. The opponents of the new scheme were scarcely less wise, less ingenious, less plausible, and many of them were not one whit less sincere and earnest, than were its leading friends and supporters. Indeed, if any person will so far as possible do that which it is impossible to do thoroughly, — divest himself of his knowledge of the working during nearly one hundred years of that Constitution, and carry himself back to the era when all which is to us familiar fact was as yet novel theory, and will read the many deep and eager discussions which then took place, — he will confess that he would have been much puzzled to determine with which side the weight of sound argument lay. He certainly would only undertake to place a preponderance on one side; he would not be able to deny the vast gravity of the opposing considerations. But it is not possible for any man now to make this comparison fairly, for it is not alone a knowledge of subsequent facts which stands in the way and will not be eliminated, but the entire atmosphere of political thought

and feeling in which the men of this generation have been reared has been so far impregnated with elements which ninety years ago were almost embryonic, that we could not think in the same way that our ancestors did, even if we could destroy for ourselves the historical facts which have intervened between their day and our own.

A noteworthy feature of this time, in the State of New York, was the lack of any show of indifference. Men were ranged upon the one side or the other with much warmth of conviction. Many of course had still to make up their minds, and many were induced to change sides. But this was proof of the deep interest that they took; they were eager in pursuit of all the arguments they could come at; as they were malleable, so also they were at a great heat. There was no longer perceptible any trace of that carelessness which had prevailed at the time of the calling of the National Convention. The hopelessness and prostration which then paralyzed the land, chiefly through a despair of any result being attained, had been succeeded, now that a result had been half achieved and was on the verge of completion, by a feverish excitement, intense interest, eager discussion, and deep conviction.

Upon both sides the natural tendency to run into print was freely indulged. Letters and pamphlets, speeches and addresses, were circulated without stint. Of these the collection called the "Federalist" alone remains famous after the lapse of three generations since the point in dispute was finally settled. These famous essays, written under the signature of "Publius," were, as is well known, the joint productions

of Hamilton, Madison, and Jay. The first was written by Hamilton, in the cabin of a small vessel, as he was sailing up the Hudson. Upon none of them did the writer expend much labor in composition, nor were they expected at the time to survive the days whose necessity called them forth. But these men, writing upon a subject upon which they had thought so long and concerning which they felt so deeply, could not well fail to produce papers worthy of an existence at least coeval with the frame of the government which they discussed. They wrote from full heads and full hearts words which will not soon be allowed to die. The "Federalist" has long since been acknowledged to be the ablest treatise on our Constitution which has ever been, or is likely ever to be, written; and no person interested in such topics fails to become familiar with it and to admire it. The greater part of the work was done by Hamilton. The whole series consists of eighty-five papers, of which number he contributed fifty-one, Madison twenty-nine, and Jay five.

But if these alone, of all the publications of that day, retain their full value at the present time, there were abundant rival publications which then claimed their share of consideration. There were few men of note and influence in any part of the country, who did not publish some statement of their views. It was plain enough that no ordinary crisis had aroused a contention which led even General Washington to set his sentiments before his countrymen in the shape of a letter. As may be supposed, he did not take this step until it had been so generally taken by others as to assume the appearance of a duty. Vir-

ginia was one of the States concerning which some doubt and anxiety were felt; several of her most prominent citizens, — Edmund Randolph, Richard Henry Lee, and George Mason, — had published their objections to the Constitution, and at length it seemed incumbent upon Washington to speak out. He brought down upon himself much harsh and intemperate criticism; but he knew that the best judges in the States approved of his course. The men of parts and cultivation generally confined themselves to fair, if somewhat eager, argument; but a lower class of writers were as usual scurrilous and abusive, dealing not only in invective but in imputations of gross dishonesty, which, though utterly ridiculous, were yet not altogether devoid of influence with certain classes of the community.

It would have been well had the quarrel been confined to epithets, however vehement, and innuendoes, however groundless. Unfortunately, much more practical expressions of opinion and manifestations of antagonism were indulged in. The news of the accession of any State to the Union was followed, as it sped from one of the great cities to another, by a train of public rejoicings, feasts, processions, the firing of guns, and the other similar means to which people resort for the display of their feelings. On the other hand, the opponents of the new Constitution were exasperated at such occurrences, and too often undertook to interfere with the provoking triumphs and unwelcome ovations of the Federalists. Not unfrequently violent collisions occurred. Mobs and riots too often disgraced this era, which it has been deemed proper to regard as presenting such a

wonderful glory of the human intellect in its American development. The effigies of prominent Federalists, in accordance with the intelligent custom of the times, were publicly burned. Cut-and-thrust encounters took place in the streets, and cannon were even hauled to the front to intimidate the celebrants. Copies of the Constitution were freely destroyed, by fire and otherwise, much to the gratification of throngs of participants and observers. But there were abundant copies left, and the Federalists, whose similitudes were consumed by the flames, suffered not at all by the process. A great proportion of these proceedings occurred in New York, and the narrative is worthy of repetition only to show how far down among the people of that State the keen interest and partisanship had extended, and that among all ranks of society there was none that was careless of the controversy or indifferent to its result.

The importance of the State of New York might perhaps be exaggerated in the mind of the reader of to-day, by reason of her present preëminent position. But her proportionate consequence was not the same in 1788. Virginia carried much greater weight in that day, and the adhesion of Virginia was regarded, not indeed with so much anxiety because it was more probable, but with much stronger desire. Massachusetts, also, was more influential as a leader of opinion. The fate of the experiment, certainly, was not considered to hinge upon the action of New York. The government might go into operation and might succeed without New York, though unquestionably the chances of success would be gravely less under such circumstances. New York already had

great material wealth; the fact that the city had been held for so large a part of the war in the almost undisturbed possession of the British had extremely promoted its prosperity. There had been safety there for money and traffic, and both had naturally sought such rare and grateful security. The tories, who were generally the capitalists, had lived there in confidence and activity. Besides this, New York had many distinguished men within her boundaries, men whom the nation needed. There were Hamilton, Schuyler, John Jay, the Livingston family, and Duane; and scarcely less able, though now less well remembered because they were upon the losing side, Governor Clinton, Melancthon Smith, Chief Justice Yates, Lansing, and Samuel Jones. But the geographical position of New York gave her more importance than any other single trait; not alone because her great city was so admirably situated as a port, because the Hudson ran within her limits and she touched at once upon the Atlantic and upon the lakes. All this made her valuable in somewhat the same way in which she would have been valuable had she contained within her borders great mineral wealth, or other substantial, tangible sources of money-eyed prosperity. But beyond this, her position in relation to the other States made it very desirable that she should be a part of the nation. Otherwise she was an obstacle to unity; she divided that which should be continuous; she disunited the Union. It was no mere consideration of effect upon a map, or of sentiment, or even of convenience, that was involved in this fact. It was matter of grave practical import. To such an extent was this the case, that there can

be little doubt — nor did the men of that day fail to hold the same belief — that if New York did not voluntarily accede she would ere long be compelled to accede by force of arms, if the art and the diplomacy of the new nation should prove unavailing. This act of tyranny, if so it could properly be described, would be rendered essential by the law of self-preservation. If it should not be done, no great age would be reached by the United States ere New England would split off politically, as she would from the beginning be sundered geographically; and the States south of New York would form a new combination, or new combinations, as the interest or passion of the time should dictate. Unquestionably, of those who labored hard to bring New York into the Union no small proportion were animated, among other motives, by the belief that, if indeed there was to be an Union, into it she must come sooner or later, voluntarily or by force. It was not open to a question that, if such were the case, the more readily and kindly she should come the better for all concerned, and especially the better for her. The best selfishness promoted her adhesion; the selfishness of Governor Clinton's party of opposition was, even as selfishness, a gross blunder, a short-sighted folly.

That New York did join the Union by vote of the first and only convention summoned to determine her action; that she did not wait to be coerced; that she did not even come in as a laggard like North Carolina, or with hardly conquered reluctance like Rhode Island, — must be attributed to the energy and ability of Hamilton more than to any other single cause.

John Jay and Livingston aided him greatly in the debates of the State Convention; circumstances also aided him in so far as the assent of nine States, rendered while the result in New York was still doubtful, made it certain that the new nation would be formed, and that at least the experiment would be tried. But if Jay and Livingston had been silent, or if the adhesion of nine States and of Virginia had not occurred till later, it remains conceivable that the convention of New York should have taken the same action. On the other hand, it seems reasonably certain that if the influence of Hamilton had been absent, if the steady pressure of strong argument and fervid eloquence which he untiringly applied had been withdrawn, the Clinton party would not have succumbed at least so early; and what might have been the consequences of a prolonged delay it is difficult to surmise. He it was that overthrew and utterly routed that numerous and stubborn Clintonian host. He it was, if any man, who by efforts the most wonderful achieved a success without parallel in political history. If not the most famous, it was really the greatest feat of his life. If this appears like the language of extravagant laudation, the appearance is certainly unjust. The records of the New York Convention, the few memoranda left by Chancellor Kent and others, would amply support much more eloquent panegyric.

The convention was opened at Poughkeepsie, June 17, 1788. Governor Clinton, as deputy from Ulster, was chosen to preside. His personal characteristics were a sufficient pledge for the manner in which the contest was to be waged by the party which he led.

It was a well-drilled array, not quite deserving to be called subservient, but fully in accord with the sentiments of the governor, and perfectly willing to acknowledge and submit to his supremacy. He himself was an able man, the most dangerous kind of political fighter, full of energy, wielding a wide influence, resolute, fearless, and with not a particle of compromise in his rigid nature. As to the demerits of the new Constitution, his convictions were simply adamantine. He could neither be persuaded, softened, nor circumvented, but stood immutably steadfast. He was not a man of the highest type of intellect, or of the largest range of vision even in the business of his life, which was politics, and preëminently the politics of the State of New York. But he was what is called a "hard-headed" man, shrewd, practical, earnest, forcible. With good followers at his back, he was as hard a man to beat as often appears in public life; and very good followers he had at his back. Melancthon Smith was overmatched in argument by no man save Hamilton; Yates, Lansing, Jones, were as good lieutenants as the most exacting general could demand. So far as the brute force of numbers went, Clinton could not have wished to be in better condition for the encounter. Sixty-five delegates were divided into the very unequal parties of forty-six against the Constitution, and nineteen in favor of it. The tactics of the faction, also, were cleverly moderate. It was not their design to reject the instrument altogether. Some of the less resolute might have taken alarm at so decided a course, and have drawn back from an irrevocable step. The proposition was only to demand a long adjournment

— till the following spring or summer — with the declared plausible purpose of acquiring for their final deliberations the aid of some observation of the working of the experiment. This observation, it was correctly anticipated, would militate against adoption, for the new government would inevitably be driven to take some measure concerning revenue, which it would require little ingenuity to make the basis of much reproach and dissatisfaction.

Hamilton contemplated with grave anxiety the contest which was before him. "Violence," he wrote, "rather than moderation, is to be looked for from the opposite party. Obstinacy seems to be the prevailing trait in the character of its leader. The language is, that, if all the other States adopt, this is to persist in refusing the Constitution. It is reduced to a certainty that Clinton has in several conversations declared the Union unnecessary." And again: "As Clinton is truly the leader of his party and is inflexibly obstinate, I count little in overcoming opposition by reason. The anti-federal party have a majority of two-thirds in the convention; and, according to the best estimate I can form, of about four-sevenths of the community." He foresaw a merciless conflict, with heavy odds upon the wrong side.

Such was at the outset the complexion of the assembly. But very soon it began slowly to give symptoms of changing. Clinton desired to have a vote taken promptly upon the Constitution as a whole; it was the equally obvious policy of his opponents to protract the debate sufficiently long to take advantage of the adhesion of other States, and

especially of the ninth State, which was expected to occur at no distant day. But in this astute endeavor he was worsted, too many of his followers being unwilling to appear to shut off free debate. Hamilton took a momentary encouragement, and wrote to Madison in a more hopeful strain. But it was still true that the "adversaries greatly outnumbered" the friends of the scheme, and "the leaders gave indications of a pretty desperate disposition in private conversations, previous to the meeting; but, I imagine, the minor partisans have their scruples; and an air of moderation is now assumed. So far, the thing is not despaired of. A happy issue with you must have considerable influence upon us."

So the convention went into committee of the whole to consider the Constitution part by part. In the long and difficult debates which ensued, the burden of the controversy was sustained by Hamilton. Jay and Livingston gave aid from time to time, as able as it was welcome; but it was Hamilton who, day after day, in a series of speeches as closely reasoned as they were fervent, bore the brunt of the battle and managed the tactics of his party. Even hardened students of history would probably unite in condemning the debates concerning the merits and demerits of our Constitution as being the driest matter which ever taxed the statesmanship of a generation of distinguished men. Necessary to have taken place the events undoubtedly were; wisely to be skipped is the verdict usually passed upon the narrative of them. Yet, incredible as it may seem, there is abundant contemporary evidence, that the audience listening to Hamilton's argumentative but eloquent

harangues was more than once so visibly affected that tears stood in the eyes of many, and such men as Chancellor Kent could not find words too emphatic to express their admiration. Speeches which embodied the logic of the "Federalist" would hardly be expected to touch the pathetic chord; thus we think at this day. But not so did people feel in 1788. It should be remembered, too, that Hamilton was by nature a very powerful orator, — one of the greatest that has lived in modern times. In the present instance he spoke upon subjects with which he was so exhaustively familiar, that he could pour forth his ideas in finished shape and consecutive course without forethought or preparation. Never in his life, probably, was he so deeply in earnest as upon this occasion; his intense nature was wrought up to the extreme of interest. He spoke to persons in a similar frame of mind. Men of the present generation know how the struggle for the preservation of the nation wrought upon the feelings of all classes of the community. Let them go back and consider the condition of the country during the few years of increasing misery and despair which had elapsed since the close of the war with Great Britain; let them consider what was the prospect before the country if this last grand and desperate effort for unity and strength should fail; and let them say whether such an occasion did not furnish material for oratorical appeals which should stir to the lowest depths the souls of all hearers. It is not incredible, then, that in the course of this dry constitutional discussion Hamilton called tears into the eyes even of disputants quite capable of following and criticising his

most accurate logic, his most elaborate arguments. But a great loss and misfortune it is that no report of these speeches, nothing but the baldest outline and occasional jotting down of a striking sentence, has come down to us. In this respect Hamilton has suffered like the elder Pitt, with the additional misfortune, too, that the less noble forum, the less popular topics, and the greatness of the rest of his career, have caused even the tradition of his fame as an orator to be half-forgotten.

To reproduce, even in outline, the arguments of Hamilton before the convention is impossible. When one undertakes to make a brief abstract of such parts of his speeches as have survived, the density of his thought becomes very obvious. There is little that can be compressed without loss, nothing that can be altogether omitted. The earlier stage of the conflict took place upon a stale battle-ground. The party of opposition still entrenched themselves behind the old Confederation. Tedious and discouraging as it was, Hamilton was yet compelled to return to this controversy, wherein victory, already many times achieved, must at last begin to seem almost useless. Yet he patiently reiterated his exposition of the proved and transparent folly of having in fact thirteen different bodies to judge of the measures of the one supreme body. Coercion, the Clintonians said, might be resorted to for the collection of requisitions from delinquent States; it needed only that Congress should have a little greater power to apply physical pressure. This point Hamilton met with the vigorous contempt which it well merited, and which a generation that has seen the process of

military coercion tried will well appreciate. "To coerce the States," he exclaimed, "is one of the maddest projects that ever was devised; a failure to comply will not be confined to a single State. Will it be wise to hazard a civil war? Should Massachusetts, or any large State refuse, and should Congress attempt to compel them, would they not have influence to procure assistance, especially from other delinquent States? What a picture does this present! — A complying State at war with a non-complying State! Congress marching the troops of one State into the bosom of another! This State collecting auxiliaries and forming perhaps a majority against its federal head! Here is a nation at war with itself! Can any reasonable man be well-disposed to a government which makes war and carnage the only means of supporting itself, — a government that can exist only by the sword?"

It was a shrewd move of Hamilton's also, in this connection, to show up the form of government sanctioned by the Confederation as the most odious and dangerous form of despotism. The nervous jealousy with which the people regarded their new independence was a chord played upon strenuously, with great success and probably not always with perfect sincerity, by the opposition. The new government was alleged to be too strong, too centralized, too aristocratic. Hamilton met them with the plea of *son assault demesne;* he showed that if the assertions of his opponents were true, if the governing body under the Confederation really had in itself all the powers indispensable to an efficient government, then it was potentially the most alarming possible form of des-

potism, the surest possible foundation of an aristocracy. For, if their description was correct, it was subject to no checks, possessed unlimited power of taxation, and had full control of the national forces. This position could not be met by the Clintonians without a retraction of their own statements concerning the sufficient authority of the confederate Congress.

Hamilton's next task was to defend the House of Representatives, which the Clintonians said would surely never consent to increase its own numbers, and so would prevent a proper representation. Hamilton conceived that delegates who must go back to their constituents every two years would hardly venture to run counter to the popular will, would rather be likely to seek too subserviently to learn and follow it. Experience has certainly vindicated his arguments. But the anti-constitutionists were for ever harping upon this argument of the successful rascality of mankind; they sacrificed the reputation of humanity with perfect hardihood. It was difficult to refute arguments based upon such broad, vague dogmas; and Hamilton found himself continually obliged to assert with corresponding obstinacy that the world and its inhabitants had not fallen into such a slough of wickedness as the Clintonians imagined.

The Senate, however, formed the most salient point of offence to the opponents of the Constitution. It was the unpopular offspring of a compromise; and the jealousy manifested towards it was extreme. It seemed to be the fit foundation for the usurpation of tyrannical power, for the erection of an aristocrary, for the outgrowth of formidable political cabals; it

was the perpetuation of a gross inequality. It was altogether out of accordance with the pure democratic doctrine and with the pure representative doctrine. It could be referred to no principle and was a part of no theory of government. Abstractly considered, it appeared as an anomaly not based upon reason, but the bastard offspring of convenience, an illogical tribute to the importunities of the smaller States. In the New York Convention a severe assault was made upon it, and amendments were suggested and eagerly advocated, of a nature utterly to destroy its peculiar character and usefulness. For example, Lansing strongly sustained a project for making senators subject to recall during their term of service.

Hamilton came vigorously to the rescue of that feature in the whole government which probably he regarded with the most satisfaction; the feature which possessed the trait of permanence, which promised stability in counsels, decorum in aspect, reflection before action, dignity in conduct; which was expected to check the occasional democratic rashness of the House, to attract the respect of the political world and especially of foreign nations. He dwelt upon the necessity of a body which being small, permanent, independent of local prejudices, deriving political knowledge from a long experience, could check the more numerous and mutable popular branch. The House of Representatives coming in closer contact with the people must more sensitively reproduce the eager and changing passions of the masses. Yet the people, however deeply interested in the national welfare, were liable to be deceived, misinformed, carried away by impulse. "These

truths," said he, "are not often told in public assemblies, but they cannot be unknown to any who hear me." A friend sitting by him thought that he was growing imprudently bold in his language and sought privately to interrupt him, but he refused to accept the hint, being fully resolved to utter what he thought the truth. The Senate was to be the safeguard against what would otherwise be a too democratic system of government. Local prejudices might find their way even into that body; it would not always dwell upon serene heights above all error, partiality, or passion. But, said he, "shall we then form a Constitution to cherish and strengthen these prejudices? Shall we confirm the distemper instead of remedying it?" As for the power of recall, which Lansing suggested, it would only have the effect to keep the senators subservient to those very local interests which it was the special function of the senatorial body to merge in national views. The authority of the Senate in relation to foreign affairs also rendered a long tenure of office necessary; for knowledge of these matters must be gradually acquired. Negotiations also moved slowly, and a break in the chain of responsibility would injuriously influence the thoroughness of execution.

One amendment which was much pressed by the anti-constitution party, and to which recent occurrences give some interest, took from the national government the power to require the services of the militia of any State beyond the bounds of the State itself, except with consent of the local legislature. It was a fatal blunder; for the greatest willingness which a State government could manifest to put their

militia at the service of the government would be far from equivalent in either moral or material effects to the positive and substantial power vested in the central authority. But the extravagant jealousy of the national government found no better chimera upon which to fasten than that of military power. Hamilton spoke warmly against the proposition, having naturally but slender sympathy with this blind unreasonable dread which prevailed of a grand despotism. The restriction he declared was impolitic. If it was the intent of the States to guard against a standing army, they must be satisfied to yield to the general government the most unqualified control over the militia. To apprehend danger from this source while the States appointed the officers, he declared to be a novel idea, sprung from unenlightened and distempered jealousy. The war of the Revolution had sufficiently proved the great usefulness of the militia on special occasions and the remissness of the States in sending their forces to the aid of each other, each having too often preferred to wait until the war should approach its own doors before putting forth its best exertions. The control of the national forces, the strength of the community, must be placed with confidence and without cumbersome limitation in the hands of the body which was charged with the duty of the common defence.

At last, the whole Constitution having thus been fought over, part by part, the time came for the convention to take some final action. It was with much anxiety that the Federalists contemplated the prospects. Every thing that men could do in the way of argument and of influence they certainly had

done, and circumstances also had come to their aid. They had not been long in deliberation when New Hampshire gave in her adhesion; and, being the ninth State to do so, she thereby made certain the trial of the experiment. Later, Virginia also had accepted the Constitution. The important effect which was anticipated from this latter occurrence may be learned from a letter written by Hamilton to Madison while the decision of that great State was still in abeyance: "There is more and more reason to believe that our conduct will be influenced by yours. . . . Our arguments confound, but do not convince. Some of the leaders, however, appear to be convinced by *circumstances*, and to be desirous of a retreat. This does not apply to the chief, who wishes to establish *Clintonism* on the basis of *Anti-federalism*." And farther: "There are some slight symptoms of relaxation in some of the leaders, which authorize a gleam of hope if you do well; but certainly, I think, not otherwise." A few days later, when the end in New York was close at hand, a less cheerful tone is perceptible.

The outlook was indeed gloomy. No more resolute and relentless antagonist than Governor Clinton ever fought out a stern fight to its uttermost end. A considerable defection from his ranks might occur and still leave him a handsome majority. Yet there was that lurking feeling of disquietude and uncertainty in the atmosphere which made each side loath to push matters to the stage of a final vote. There was a suspicion that many men might change sides at the last minute. A fermentation was going on which the Federalists watched with eager, anxious

hope. Their arguments were slowly working; facts also were working. The more time that the delegates had for cool reflection, now that the din of immediate battle was over, the more clearly did they see that the Federalists had fairly conquered in debate; also that the position of New York as an outlying State would be very precarious. It was evident that the members were inclined to think carefully before voting upon the final question; it became daily more evident that they would vote independently and according to individual conviction, when at last the moment should come for doing so. Accordingly the body met day after day, — sometimes transacting a little business, sometimes none; and so again and again adjourned.

During this period of hesitation the anti-constitution party steadily lost ground, and knew that it was doing so. The effect of the thinking which was going on was all against it. Still, apparently, it was afraid to urge matters too abruptly to a conclusion: for this course was too obviously not in accordance with the wishes of the convention, sure to be unpopular, and therefore to involve danger. The sense of their insecurity was shown by the Clintonians in the tactics pursued by them. They preferred flank movements rather than conflict face to face. Lansing brought forward a mass of amendments carefully tabulated, and divided into three classes, — explanatory, conditional, and recommendatory. Upon this subject a committee of compromise was appointed, but accomplished nothing. The anti-federalists upon the committee urged a conditional ratification. This was stigmatized by Jay as tantamount to a rejection, but

supported by Melancthon Smith and Lansing as quite within the power of a sovereign State. Jay moved an unconditional ratification, and had a lively passage-at-arms with Clinton.

Hamilton came to the aid of his friend, and set forth very clearly the meaningless absurdity of a conditional ratification. Governor Clinton had been much exercised upon the question by what authority the Federal Convention, elected to suggest alterations in the Confederation, had submitted a draft of a new scheme of government. With equal logic and more substantial reason, Hamilton now questioned the power of this State convention to dictate amendments and to accept the Constitution conditionally. The delegates had been chosen and deputed to consider, and either to accept or reject on behalf of their fellow-citizens, a certain specific form of government. In common with other freemen they might *recommend*, but they could not chaffer and bargain and enter into stipulations and contracts. And whatever power this convention might lawfully exercise, or might unlawfully venture to assume in the expectation of a subsequent ratification of its action by the people, yet there was no party of the other part; there was no body with whom the contract could be entered into, who could accept the conditions and bind fast the compact. No future Congress could have any power under the Constitution to pursue any such course, or to bargain with a State. The ratification, not being absolute, could not be treated by Congress as a ratification; wherefore it must be treated as a rejection. Congress could not directly or indirectly make any amendment a part of the

Constitution. It might in its discretion, if the topic fell within its powers, embody it in a law; but there would be no security for the permanence of such an enactment, which might be repealed at any session subsequent to its passage. It was obviously futile for New York to seek, by any action of her own, to manufacture laws for the Union. It was hardly necessary for Hamilton to add that, even if such a feat could be accomplished by any legal or political jugglery, it would be preposterous to cherish any hope that the other States would submit to it. The utter impossibility of the plan was capable of demonstration.

The debate upon this point was interrupted by a motion for an adjournment to the second day of September, in order, as it was said, to enable the delegates to inform themselves of the sentiments of their constituents in the changed attitude of affairs presented by the concurrence of so many States. The debate on the Constitution had closed upon July 7. This new motion, made upon July 16, was debated for two days. It was indicative of a feeling of distrust among the Clintonians; it was a temporary shift to stay the victory of their adversaries, and to take the advantage which might be forthcoming in the chapter of accidents. That in case of need the move would be made, had been known to the Federalists. They were prepared for it, and defeated it, after Hamilton had delivered one of his most brilliant and effective speeches.

The next day the controversy as to a conditional ratification was renewed; and then occurred one of the most striking and agreeable features in the entire

history of this long and exciting contest. Feeling had run so high, men had so far committed themselves to one side or the other, that judging from the ordinary course of like debates we should expect to find individuals growing more confirmed in their respective prejudices, rather than listening to opposing arguments with minds open to conviction. What then must be our surprise, when, at this stage of the proceedings, we find Melancthon Smith, — in reasoning power the unquestioned leader of the anti-federalists, a frequent speaker, the most formidable opponent of Hamilton upon every point, — now manfully stand forward in the convention, frankly avow that Hamilton's arguments had convinced him of the impossibility of a conditional ratification, though he had himself moved it; and declare that he wished to withdraw his motion and to offer a substitute by the terms of which the State ratified absolutely, but reserved to itself the right to recede at a certain future date, if some proposed amendments should not then have been adopted.

The Federalists had won a great victory, but had been brought by the result of their success itself into a most perilous predicament. The substance of Smith's proposition, as well as the manner of its introduction, made its acceptance only too probable. All felt the gravity of the occasion. On the day after the suggestion had been thrown out the House met, but silence reigned; no one showed any disposition to debate, and an adjournment was forthwith had. Another committee sat, informally, to consider the amendments. Hamilton again spoke forcibly against them. Smith then again rose, acknowledged himself fully satisfied of the uselessness of any rati-

fication conditional in its nature; and the question then lying between acceptance or rejection, he declared his intention to cast his vote for acceptance. At the same time he drew a picture far from comforting of the probable condition of New York as an independent State lying outside the Union. This action upon his part may be said to have been conclusive of the fate of the contest. It was useless for the anti-federalists to prolong the fight after Smith had gone over to the opposite ranks. Many seized the moment to declare that they were of the same mind with that gentleman, who had so long been their redoubted champion and principal trusted leader in debate.

It was useless now for Clinton to declare that, as a representative of the sentiments of the people of Ulster, his conscience would not permit him to vote for the ratification. Equally in vain was it for Lansing, upon the next day, to renew and urge the motion that the reservation of the right to withdraw should be appended to the act of ratification. Hamilton spoke again; Smith followed upon the same side with his quondam adversary; Hamilton then closed the debate with a grand final effort. Such an alliance of chieftains was invincible; such persistence could not be encountered. The final question was put, and on July 25, nearly three weeks after the discussion upon the merits of the Constitution itself had closed — three weeks of unremitting anxiety and toil for the friends of the scheme — the convention of New York adopted the Constitution by the narrow but sufficient majority of three votes.

When the proposition to ratify with the reservation

of a power of withdrawal in a certain contingency was under consideration, Hamilton, though having no doubt in his own mind of its illegality and insufficiency, wrote in some distress of mind to Madison for his opinion. The reply was: "A reservation of a right to withdraw, if amendments be not decided on under the form of the Constitution within a certain time, is a *conditional* ratification. It does not make New York a member of the new Union, and consequently she cannot be received on that plan. . . . The Constitution requires an adoption *in toto* and *for ever*." To so complete and everlasting an obligation was it at that time considered by Madison that the contracting States were binding themselves. There is in these words no basis for that doctrine of secession which has been declared to be quite in harmony with the ideas of the founders of the Constitution.

On July 29 Hamilton arrived from Poughkeepsie in the city of New York, and again taking his seat in Congress had the well-merited pleasure of presenting to that body the formal ratification of the Constitution by his State. Intense had been the excitement in that city while the action of the State convention remained in abeyance. In Congress the public business was for the time neglected, while the citizens seemed to forget their private affairs as they moved about the streets anxiously seeking the latest news. Late in the evening of July 28 the final vote was made known, and at once the joy and triumph of the Federalists found vent in a glad uproar. The bells of the city rang out loud peals; the cannon of the forts swelled the din; a procession was quickly formed and marched through

the streets, pausing to fire salutes before the residences of those delegates to the convention whose services were supposed to have promoted the happy end.

Such was the impromptu celebration; but a more formal and elaborate scene was forthwith prepared in the shape of a grand civic procession, wherein paraded in divisions the members of the learned professions, merchants, traders, and artisans, singing gratulatory odes and carrying banners on which the names and portraits of Washington and Hamilton were frequently repeated. The printers appeared with a press, and a banner bearing the familiar *nom de plume* of the "Federalist," *Publius*, and the mottoes "Liberty of the Press," "The Epoch of Liberty and Justice." The sailmakers had upon a stage the ship "New Constitution," and a banner upon which was emblazoned the figure of Hamilton holding in his left hand the scroll of the "Confederation," in his right hand the "Constitution," while Fame with her trumpet and laurels appeared in the act of crowning him. Conspicuous also was the federal frigate "Hamilton," fully manned, responding with frequent salutes to the applause of the gazing crowds. A vast public feast closed the day, which may justly be called the proudest of Hamilton's life.

The prominence given to Hamilton in the pageant in honor of the new Constitution is sufficient evidence of the influence which the men of that time knew that he had exercised in its behalf. In which connection may be noted his behavior in a somewhat odd predicament created by the Clintonians. Not unfrequently these gentlemen sought to turn a lib-

eral praise of his abilities into a weapon in their own hands. They averred that he was so able, so persuasive, so eloquent, so ingenious, such a master of argument, that he was not to be trusted; that he could produce any appearance which he wished. The listener who was carried away by his oratory and left helpless before his logic was reminded that it was not the right, speaking through him as a mouth-piece, which made him seem persuasive and unanswerable; but that it was his surpassing and consummate genius which made the wrong to wear the aspect of the right. The gentlemen who used these complimentary arguments seemed quite forgetful of the obvious reflection, that one having such wonderful gifts as they described might also have a clearer vision to discern the right than those mortals who acknowledged themselves his inferiors in capacity. Unable to cope with him in reasoning, might they not be equally unable to rival him in foresight? To many persons, such an assault might have proved embarrassing and been passed over in silence. Not so, however, did Hamilton encounter it; but with his wonted bold honesty he faced his opponents at every point at which they saw fit to attack him. Very candidly, and yet very modestly, he spoke of the manner in which "even his supposed talents had been wrested to his dishonor," and sought to show the improbability of his seeking voluntarily to subvert the liberties of the nation in which the destinies of his family were bound up. "The suspicion," said he, "is unjust! The charge is uncharitable;" and so it certainly was!

In a proper view no part of Hamilton's career is

more distinguished than the few months of which the history has just been narrated. No achievement in which he bore any part more fully manifests the greatness of his mind and character than do his labors in behalf of the Constitution; no greater service did he ever render to the country. His chief success began after the instrument had been framed. Even more zealously than he had striven to bring the Convention together did he strive after its adjournment to secure the fruit of its labors. His efforts were not confined to the pages of the "Federalist" and the debates of the New York convention, but were pursued also in other less conspicuous fields. Upon all sides he conducted an extensive correspondence, and by constant exhortation he kept the friends of the new scheme well up to their best unflagging exertions throughout the country. He advised, encouraged, and constantly incited them. He kept them united, and never permitted the magnetic current of sympathy and the cheerful sentiment of fellow-feeling in a grand labor to be checked for a moment. By his own untiring constancy he prevented others from becoming idle or indifferent in the cause.

It may be questioned whether or not, if the "Federalist" had not been written and sent far and wide among the people, the Constitution would have been adopted. When the question came before them the great mass of the citizens were sadly in need of instructions and explanation. If Melancthon Smith was to be conquered by argument it shows how open were men's minds to conviction; how greatly argument was needed. There are many controversies in

which discussion is quite useless; the opinions of men are predetermined by passion or prejudice and reasoning is addressed to the deafest of all ears, those that are unwilling to listen. Plenty of dogged partisans there were upon each side in the struggle concerning the Constitution. But such was not the temper of a large proportion of the people who, remaining open to receive knowledge and to be governed by it, held the balance of power and could bring victory to either side. Victory was narrowly won, and the "Federalist" avowedly was greatly influential with the wavering class; it is therefore highly probable that the assistance thus afforded, being precisely of the kind required, may have been effectual to secure a result which would otherwise not have been secured. It cannot be proved that the United States would never have existed but for the writings of Hamilton, Madison, and Jay, the famous letters of Publius; but more preposterous claims have been put forth by historians and biographers who are not accounted more than ordinarily partial.

But whatever else may be questioned, it is assuredly beyond a question that had it not been for the unremitting exertions made by Hamilton in the convention of New York, that State would not have ratified the Constitution when she did. What would have been the result of her failure to do so can only be matter of speculation. She might have come in harmoniously after a little delay, like Rhode Island. She might on the other hand have accomplished the ruin of the new nation; dividing it geographically, and being rich, commercial, prosperous, she might have become *teterrima causa belli*. She might have

sowed dissensions and broken up the Union. She might have been subdued and held as a conquered province, and before the new country had acquired the power of assimilating such a morsel she might have proved the insidious cause of political disease and destruction. Such surmises, as they are numerous, are perhaps also idle, being incapable of proof. Sufficient it is to say that a great danger, bristling with many possible points of offence, was removed by securing the adhesion of New York before the organization of the new government. Peace, prosperity, and harmony, and the trial of a grand and perilous experiment under fair auspices was thereby insured. This gain, too great to be easily overrated, was due principally to Hamilton. Able men and the pressure of facts aided him; many forces and influences were combined to achieve so difficult a result. But it can be said of him, as of no other among these many forces and influences personal and impersonal, that had he been eliminated the result would not have been brought about, at least not at that time.

The Constitution was adopted. But the end of labor and anxiety on the part of the Federalists was by no means reached. They were like an army that had worsted its adversaries in a pitched battle, but which saw those adversaries still in its front, a little withdrawn indeed, but still in fighting array and not exceedingly demoralized. It is true that the principal anti-federalists professed their intention of acting in good faith and permitting the experiment to be fairly tried, without the interposition of factious or unreasonable impediments. This was comfortable

intelligence for the victors, and so far as it went was reassuring. Unfortunately there was behind it much else that was far from comforting or encouraging. After a strennous effort has been crowned by a great success, there is always a brief moment when it seems as though a reaction or lassitude of the over-wearied workers might let go the half-secured triumph. The condition of things after the adoption of the Constitution presented no exception to this rule of almost universal operation. The anti-federalists acknowledging defeat, yet asserted very positively that the sense of the majority of the people of the United States was with them; and it must be confessed that there was too much reason to believe that this claim was founded in fact. Extreme and incessant exertion had rallied to the polls every man who wished to see the Constitution adopted; while many who had little faith in it did not care actually to cast hostile votes. Pennsylvania had been the second State to ratify, by forty-six votes to twenty-three, and had proposed no amendments. Yet it was computed, in round numbers, that there were seventy thousand legal voters in the State; that only thirteen thousand had voted at all, and that six thousand eight hundred votes had elected the ratifying majority in the convention. These figures seem hardly credible, in view of the great interest generally felt concerning the matter in issue; and if true they may at least be regarded as exceptional. But the fact must be admitted that the warm friends of the new order of things probably did not much outnumber if at all its firm enemies, and the great mass consisted of those whose convictions were not suffi-

ciently well settled to render them valuable as allies or dangerous as foes.

This was not a pleasing outlook. It certainly was hard to be obliged to bring at once into successful operation a new and complex machine of government, the component parts of which were to be furnished by a body of constituents concerning whom the most sanguine observer could only predicate that possibly half of them were in a hopeful or even friendly mood. An immediate danger lay in the pressure which was brought to bear by New York and Virginia for the calling of a new general Convention to do over again the work which it was claimed had now been so imperfectly done. The convention of New York, after ratifying, had united in a circular letter recommending the summoning of such a body. The legislature of Virginia reëchoed this demand in loud and decided tones. North Carolina and Rhode Island, not having been willing to ratify at all, of course put forth all their influence in the same direction. Fortunately Pennsylvania and Massachusetts could not be brought to this point, and they nearly or quite balanced New York and Virginia; while the other States sufficed to turn the scale. Yet even where a new Convention was not called for, the cry, for many and important amendments, was raised with no feeble or uncertain sound. Altogether the jeopardy was not small that the whole subject might be so far reopened for general discussion as to endanger the undoing of much that had been done, the substantial remodelling of the Constitution now adopted, the fighting the old fight over again under auspices by no means improved.

Scarcely less painfully and sedulously did the Federalists now struggle to preserve the integrity of the Constitution than they had previously struggled to achieve its adoption. Much patience and skill did they need. Hamilton wrote to Sedgwick, of Massachusetts, that in his opinion the rage for amendments was rather to be parried by address than to be encountered with open force.

The contest had to be waged at the elections of the members of the first Congress. How hard and dubious was the encounter may be judged from the fact that Madison, being a candidate for the position of senator, was defeated by antagonists of no great note, chiefly through the great exertions of Patrick Henry, who was a resolute anti-federalist, and now opposed the choice of his distinguished fellow-citizen in one of those vehement harangues which at an earlier stage in the history of the country and more wisely directed had done such effectual service to the cause of independence. Worsted in this undertaking, Madison sought to become a representative. Very fortunately he succeeded, but it was also very narrowly, by dint of a strong local family connection, and only after he had pledged himself to befriend amendments.

The polities of New York at this juncture were very interesting. Clinton convened the legislature by proclamation at a very late date. The Senate was Federal; the Assembly was anti-federal. They had less than a month from the time when they were called together in which to choose presidential electors, — a period long enough for them to establish a complete antagonism, but not long enough for them to come to any agreement. The Assembly

insisted upon choosing the electors by joint ballot of both bodies, for so strong were the anti-federalists in the lower and more numerous branch that this scheme must have resulted in enabling them to command the choice. Very naturally the Senate, in which the opposite party prevailed, threw out the bill embodying this proposition. The upper house insisted upon concurrent action, which of course would have given to each a negative upon the other; obviously this would have produced a dead lock. Negotiations were entered into, and the Senate offered in compromise to adopt any method which should secure to them the nomination of one senator and one half of the electors. But to this just and even division the Assembly refused to agree. The consequence was that neither senators nor electors were chosen, and in the first electoral college of presidential electors no delegates from New York were present. Nor when the first Congress came together were there any senators from that State.

Mr. John C. Hamilton adverting to this "defective organization of the general government," which rendered the existence of one of its great departments dependent on the action of bodies over which it had no control, justly enough claims that his father's plan would have rendered impossible the occurrence of such an evil. That plan had proposed that the people of each State should choose an electoral college, which should elect the senators to represent that State.

Shortly afterwards the New York State elections occurred. Clinton's resolute and uncompromising opposition to the Constitution, together with the unto-

ward result of the effort to choose presidential electors and senators, gave to the contest a peculiar importance. Hamilton threw himself into it with vigor. Yates was nominated to run against Clinton, because though an anti-federalist he was a moderate man, and it was hoped that he might receive enough votes among moderate anti-federalists throughout the State to secure his victory. Hamilton sent forth an address to the people, in which he placed the controversy fairly upon the issue of whether or not the national government should be supported; whether a governor should be chosen who would be in sympathy with the Union, or one who would be in perpetual hostility to it. The people were called upon to select a chief magistrate who "should be free from all temptation wantonly to perplex or embarrass the national government,— whether that temptation should arise from a preference of partial confederacies; from a spirit of competition with the national rulers for personal preëminence; from an impatience of the restraints of national authority; from the fear of a diminution of power and emoluments; from resentment or mortification proceeding from disappointment, or any other cause." Upon the other hand he urged that the governor "should be a man of moderation, sincerely disposed to heal not to widen existing divisions, to promote conciliation not dissension, to allay not to excite the fermentation of party spirit, and to restore that cordial good-will and mutual confidence which ought to exist among a people bound to each other by all the ties which connect members of the same society."

This appeal was followed up by the most active ex-

ertions on Hamilton's part. He published a series of letters under the signature of H. G., reviewing and criticising with much severity the past career of the great governor of New York. He appears in his zeal to have "stumped" a portion of the State. In every way that offered he gave his mind and his heart, his days and his exertions to the great task of organizing, uniting, encouraging the anti-Clintonian party.

But he labored in vain, so far as his immediate purpose was concerned. The election did not result in the triumph of Yates. Yet the features of the conflict were such that the victor had the despondency of defeat mingled with the satisfaction of success. Clinton had long been autocratic in his party, and for many years his party had ruled the State; he had appeared a sort of despot by election. This year his great power was broken, his prestige destroyed; he won the governorship indeed, but so narrowly that he no longer appeared invincible. A majority of only four hundred and twenty-nine out of twelve thousand three hundred and fifty-three votes was, for its after effects, equivalent to a failure. Henceforth the Federalists ceased to dread their inveterate foe.

In other issues in the same political campaign the Federalists frequently succeeded in grasping the form as well as the substance of success. Out of the six representatives which New York was entitled to send to the new Congress, four were elected by the Federalists. The same party also succeeded in changing the complexion of the Assembly, so that they obtained a majority in both the upper and the lower houses of the State legislature. This at last rendered possible the election of United States senators, and toward

the close of the first congressional session two Federalists were duly chosen, — General Schuyler, a prominent leader of the party in the State, and Rufus King, who had represented Massachusetts in the Federal Convention, and had lately changed his residence and become a citizen of New York. Thus step by step were the Federalists steadily coming to the fore.

CHAPTER VII.

ORGANIZATION OF THE NEW GOVERNMENT.

THE fourth day of March, 1789, should have witnessed the assembling at New York of the first Congress of the United States elected under the new Constitution. But the mischievous habits of procrastination which had obtained under the old *régime* had not yet been superseded by the better fashion of punctuality. At the appointed time no more than eight senators and thirteen members of the lower house appeared. The Federalists, full of warm interest and anticipation, experienced no small degree of chagrin from this display of indifference. The few gentlemen who had gathered in due time hastened to despatch pressing circular letters to summon the absentees. But these came in leisurely, as indeed they had some substantial excuse for doing, since many of them were obliged to traverse the long routes between their homes in the far east or south and New York either on horseback or by sea. At length on the thirtieth day of the month the House of Representatives could gather a quorum, and on the sixth day of April the Senate reached the same point of success. The votes for president and vice-president

were then forthwith opened and counted. General George Washington was found to have received sixty-nine votes, the whole number cast, and was elected president. John Adams was found to have received thirty-four votes, the next highest number; and though this was less than a majority, yet as the Constitution then read the plurality was suffieient to make him vice-president. Messengers were sent to the homes of these gentlemen to announee to them the result of the formal eount.

Washington set out from Mount Vernon for New York, with the design of travelling thither as quietly and privately as possible. But the people of the larger plaees through which he passed took the matter into their own hands, and persisted in making his progress a series of ovations. Mr. Adams on the other hand had spent nine years abroad in diplomatic service, and had thus doubtless imbibed, though readily enough and without violenee to his nature, a different idea of the dignity and paraphernalia of office. Grandly he advanced upon the temporary capital, escorted throughout the whole distanee by a troop of horse. Yet with all his love of imposing formality in eonneetion with offiee, he was not unrepublican in spirit; and when he took the ehair in the Senate ehamber and addressed a few brief words to the senators, his language was quite simple and modest. He described the position which he had been ealled upon to fill as a "*respectable situation.*" Surely the distinguishing eharaeteristie of the viee-presidency was never more happily or more aptly deelared; and the deseriptive phraseology of the new funetionary showed a more just sense of the fitness of things

than had been manifested by the parade of his cavalry squadron.

Among the earliest intentions which Washington is known to have formed concerning the exercise of the powers devolving upon him as president was that of placing Hamilton at the head of the financial department of the government. Robert Morris, the famous Confederate superintendent of finance, had already named to him Hamilton as "the one man in the United States" competent to cope with the extreme difficulties of that office. Hamilton himself had not been without aspirations directed toward this laborious and responsible position, as two or three of his friends were aware. They however remonstrated with him and discouraged the idea, — not from any considerations concerning his fitness or ability, but from a kindly regard to his own personal interest and comfort. In spite of his indulgence in the distractions of politics he had continued his practice at the bar with much vigor and industry; and so successful had he been that certainly no one among his professional brethren excelled, if indeed any equalled him, in reputation. The leadership of the bar, a brilliant forensic career, and a large fortune were already, at the age of thirty-two, not of course achieved, but beyond any reasonable doubt assured to him if he chose to pursue his calling. Troup reminded him of this, and urged him to consider that in devoting himself to public life he was sacrificing the certainty of abundant wealth. Ere this time indeed the harvest had been generous, its natural growth having been aided by some artificial stimulants; for in New York laws had been passed about the time of the

declaration of peace and in anticipation of it, disqualifying from practice all counsellors and attorneys who could not furnish satisfactory certificates of their sound whig principles during the war. Such vindictive legislation was doubtless illiberal and unwise. Its result, however, had been to bring to the young lawyers who had embraced the patriot side an influx of business for which in the ordinary course of events they might have been obliged to wait long. However distasteful such statutes were to Hamilton, yet he among the rest had had all and perhaps more than all his share of the benefits conferred by them, and he had long been familiar with the pleasure of a full docket and numerous fees. While Troup spoke of this practical aspect of the question, Gouverneur Morris also wrote to his friend, bidding him reflect upon the misrepresentation and invidious calumny to which the incumbent of this office must peculiarly and inevitably be subject. To a sensitive man it was sufficiently plain that the treasury would prove a bed of incessant torture.

But these arguments were altogether vain. That irresistible magnetism which often, in the world's history, is seen to draw the man of preëminent ability to his appropriate sphere of usefulness in spite of numerous and powerful counter-influences was working strongly in this instance. The solution of financial problems was a toil congenial to Hamilton's mind. He had voluntarily undertaken such tasks in early youth, and the study of finance had ever since been agreeable and familiar to him. The knowledge of vast difficulties to be encountered, and the deep instinctive self-knowledge of power to meet

and conquer them, — a feeling removed from vain self-confidence by all the distance which sunders the true from the false, — stimulated him to enter upon the arduous but glorious undertaking. Patriotism too appealed to him. He had done so much to create the United States, that he was in duty pledged no less than by desire bound to do all that in him lay to strengthen and perpetuate the existence of the infant nation. "I am convinced," he said, "it is the situation in which I can do most good." These things being so, it was to no purpose that the law opened to him a smooth and straight highway pleasant to travel, leading to prosperity and fame, and not remote from political life should such employment and distinction at any time attract him. His resolve was taken apparently without hesitation or difficulty.

The act establishing the Treasury Department was passed on September 2, and on the eleventh day of the same month Hamilton received his commission as secretary. The salary was $3,500 per annum.

The subordinate offices were filled as follows: —

Comptroller, Mr. Eveleigh, of South Carolina, with a salary of	$2000
Auditor, Oliver Wolcott, Jr., of Connecticut, with a salary of	1500
Register, Mr. Nourse, of Pennsylvania, with a salary of	1250
Treasurer, Mr. Meredith, of Pennsylvania, with a salary of	2000

These stipends do not seem very extravagant to us, but there was no small cry raised, — more particularly in the eastern States, where especially simplicity and economy prevailed, — against the

unreasonably large compensation allowed to the officials under the new system.

The functions of the secretary of the treasury broadly set forth were as follows: To devise and furnish plans for raising and managing the revenue, including herein the whole extensive and difficult subject of ways and means; to suggest such projects as might seem sufficient for restoring and maintaining the public credit, now in the last desperate stage preceding final extinction; to draw up for the use of Congress estimates of the probable income and probable expenditure; to superintend the collection of the revenue, including herein the devising in the first instance and subsequently the supervising the whole customs-machinery of the country; to establish a thorough system of checks and control between all the subordinates and clerks of the department; and to arrange all fiscal formalities, such as the keeping of the books and stating of accounts, the custody, transfer, and disbursement of the public moneys, and the whole general routine of business. In view of the amount of construction which was necessary in fitting for active service a newly created department of a nature so important and complex, and in such an almost total absence of precedents or of trustworthy data, it would seem that the labors of the secretary, under the narrowest construction of his duties, would have been immense. But no narrow construction was given. On the contrary, as will be seen, the comfortable presumption which Congress saw fit to adopt was, that every thing which could not be proved undeniably to belong elsewhere must therefore be taken to belong to the treasury depart-

ment. Nearly every subject in the affairs of a government is connected in some degree with the receipt or disbursement of money, and the existence of such a connection, whether near or remote, was regarded as a sufficient proof of the appropriateness of a reference to the secretary of the treasury. So the most multifarious and incongruous papers found their way in long procession, by a sort of law of political gravitation, into the pigeon-holes of this overburdened official. Not only was the amount of labor thus rapidly imposed upon Hamilton enormous, but the greater part of it was of such a nature that each task seemed to require immediate completion rather than to be able to yield precedence to any other.

Those who have subsequently filled this secretaryship have been obliged to keep an admirably constructed machine in running order, nor have they generally found the duty an insignificant one. Hamilton had to achieve the original construction. Before he could enter upon the customary duties of the office, the office itself had to be organized actually from the very basis. The whole system upon which the business of the treasury should be conducted, down to the smallest details, had to be arranged before the business could be entered upon. It is needless to dilate upon the labor involved in this merely preliminary undertaking. Great as it was, however, it was accomplished not only with singular despatch, but so well that it has never since been materially altered. Indeed, so perfect was the theory in all its parts, — book-keeping, safe-guards, and the order of business, — that it has readily expanded with the immense expansion of business, and with few changes

and perhaps fewer improvements has continued to be found sufficient after the lapse of nearly a century, and throughout a period of national growth unparalleled within historical times.

Tasks more interesting to the readers of history followed close upon, or were conducted collaterally with, these mere duties of establishment. In the first place, estimates and plans for raising money had to be furnished immediately. The former were rendered exceedingly difficult by the absence of any accurate precedents on which to found the anticipations of income, while the annual cost of the new government was altogether unknown. As for the other task, — the obtaining a little ready money, — it is well known that the difficulty of borrowing may generally be very accurately measured by the necessity of the borrower; and the need of the United States at this juncture was probably equal to the greatest which ever embarrassed any nation since national borrowing has become a custom. I find it stated that the vice-president, the attorney-general, and many members of Congress "were indebted to the private credit of the secretary of the treasury to discharge their personal expenses;" other members of Congress were paid in due-bills, which were considerately rendered salable by the issue of orders to collectors of revenue to receive them in payment of duties. Even President Washington is related in the outset of his presidency to have met his household expenses by negotiating his note made to his private secretary, and discounted at the rate of two per cent a month. Under such circumstances, some loans to supply immediate outlay had to be accomplished at

once by the new secretary, no matter how difficult the task.

A great number and variety of matters were referred to him by Congress, on which he was requested to report; and statistical returns upon all sorts of subjects were called for by the same body, which evidently and not altogether incorrectly regarded the power of labor of the secretary as capable of indefinite expansion. He set about the business of framing a permanent plan for the collection of the revenue, and drew a bill designed to cover this ground, which he appended to a report to Congress. The limitation of the kinds of currency in which payments to government could be made was causing great inconvenience; and to this topic he gave much thought, and soon sent in to Congress his advice for certain changes and his reasons therefor. Arrangements for the transmission of collections from the various revenue offices were made by him with much difficulty in those times when the business of the country had developed no system of exchanges. The sale of the public lands, a subject of great and pressing importance, fell within his department and required regulations to be established by him; he was requested to report an "uniform system" for the disposition of them. Navigation laws, or at least the information on which they could be based, including the regulation of the coasting trade, were also expected to issue from the treasury department; and all sorts of statistics as to tonnage foreign and domestic, the building of vessels, &c., were forwarded to the secretary to be studied and mastered by him, to the end that conclusions and systems should be evolved from the perplexing mass.

He further sent in a report concerning the post-office department, and accompanied it with a bill drafted to carry out its recommendations. Objection was, however, made by a member to the reading of the bill, on the ground that the executive officers of the government should not be permitted to introduce bills. The objection was sustained. The feasibility of purchasing West Point was another subject upon which Congress thought fit to have the opinion of this gentleman, who might have been excused had he mistaken himself for the concentrated government of the country. He advised its outright purchase in preference to an absurd and unjust scheme for its occupation during pleasure and the payment of a sort of rental to the owners. Another report of his was the basis of a bill making certain provisions for the remission of fines, forfeitures, and penalties. A judiciary system also emanated from his fertile brain, though rather as a voluntary undertaking suggested by his professional experience and interests, than because it was directly required from him. He recommended a proper establishment of revenue cutters on the coast, and with his wonted thoroughness in disposing of a subject which attracted his attention he went into all the details of number, size, armament, equipment, and cost. The number and condition of the light-houses along the shores was another matter concerning which he furnished a report at an early day. All petitions for claims and for relief were then customarily referred to the secretary of the treasury, and constituted a quantity of small material with which to fill the interstices of leisure which might occur between his larger tasks.

The duty of negotiating certain foreign loans was imposed by Congress upon the president. By the original phraseology of the bill, the function had been allotted to the secretary of the treasury, but certain of his ill-wishers, dreading the increasing prominence which he seemed to be acquiring, procured the change to be made. The consequence was, that Hamilton, in addition to the business of actually negotiating the loan, was obliged to assume the preliminary labor of drafting instructions and a delegation of power from the president to himself.

A system of regulations for the payment of pensions was prepared by him after the adjournment of Congress in the summer of 1790. About the same time, too, a legal opinion upon the construction of a disputed provision of the recent Impost Act was drawn up by him. A report upon the trade with India and China at this time growing into importance was prepared by him. But if the multiplicity of his labors did not exhaust him, there is danger that the enumeration may fatigue the less patient reader, and these pages may too nearly resemble the Homeric catalogue of ships. It will therefore be well to leave the schedule at a point which does not wholly exhaust the items, and to pass to the consideration of those subjects of preëminent importance which demanded the secretary's attention, and which must be treated upon the larger scale commensurate with their political consequence.

CHAPTER VIII.

FIRST REPORT ON PUBLIC CREDIT.

First in interest among the great schemes devised by Hamilton stand the measures recommended in his first famous report on the public credit. Certain resolutions of the House of Representatives, passed Sept. 21, 1789, called upon Hamilton to report such measures as he should deem expedient for providing for the national debt, and sustaining the public credit. During the recess of Congress he devoted his attention to the subject, and on Jan. 14, 1790, he laid his views before the house. This being the first report made by the head of a department, a question of form, yet of substantial importance also, arose. Should the secretary report orally or in writing? Many insisted that the complex nature of the topics to be treated rendered verbal explanation altogether indispensable, and it was understood that Hamilton himself would not have been ill-pleased could the opportunity have been allowed him of expounding and defending his theories, urging his advice by his own eloquence, furnishing elucidation, and answering objections as the occasion should appear to demand. But other opinions prevailed, and a written report communicated by the secretary established a precedent, which it has

never been thought desirable to supersede. Had the decision been otherwise, it would have practically amounted to conferring upon the cabinet officers the privilege of taking part upon many and important occasions in the debates of Congress, sometimes in one branch, sometimes in the other, as the individual case might be. A right so vague would have been capable of indefinite extension; and it is evident that had Hamilton been allowed to appear in person before the House on this occasion, a powerful influence, not now included in the American system, would have been introduced into our politics and government.

The questions which Hamilton had been called upon to consider were made extremely difficult by reason of the embarrassed condition of the national finances, — the country, indeed, having long neglected to meet so much as the interest on its engagements, and therefore wearing the external aspect of bankruptcy. A report upon the "public credit" seemed ironical; there was no such thing as public credit left. But it was not alone the conundrum of ways and means, — always disagreeable and vexatious, and only rather worse on this than on many other occasions, — that perplexed the secretary. There was much difference of opinion concerning the treatment to be applied to various branches of the debt itself; and herein lay the real gravity of the matter, which made his report and the action of Congress upon it nothing less than a serious national crisis. The determination of these problems was at the time plainly seen to be fraught with the gravest consequences to the future career, if not even to the prolonged existence, of the nation; nor does the historian,

reviewing the period after the lapse of nearly three generations, see any exaggeration in the importance which was at that time ascribed to this business.

Hamilton opened by reminding Congress that the necessity of borrowing, occasionally encountered by all countries, must especially be anticipated for a country having little accumulated money-capital. To the possibility of borrowing upon good terms, a national credit of good repute was fundamentally essential. This could be achieved only by a punctual performance of contracts. Good morals and good policy were coincident in this business; and the reflection that the national debt was the price of the national liberty made the obligation to repay it, if repayment could possibly be accomplished, in a peculiar degree a point of honor and sentiment. The late government of the Confederation had entertained the ambition rather than possessed the power to do justice by the creditors of the people; but a government was now framed competent to call forth fully and continuously all the resources of the community. Great expectations had been already formed by those who understood its power and placed confidence in its integrity. The rapid advance in the market value of the public securities had plainly indicated the force of these hopeful sentiments. Between January and November, 1789, the rise had been to thirty-three and one-third per cent of the nominal value, and by the beginning of 1790 this had been increased to fully fifty per cent. It was noteworthy, too, that "the most enlightened friends of good government were those whose anticipations were the highest."

To preserve and cherish this growth of the public

confidence must be of the greatest immediate and practical advantage to the nation; for, if the public securities could once acquire a stable value in open market at or near par, they would be as available for the merchant as money, and would largely increase the active capital of the country. Hamilton asserted, as a well known fact, that, in countries having a national debt properly funded and commanding the general confidence, the evidences of indebtedness served most of the purposes of money; that transfers thereof were equivalent in most transactions to payment in specie. Nor did it seem necessary to suggest such obvious facts as that, even if not actually current as money, the certificates of debt were always readily transmutable into money, or became the ample foundation for credit. Banking facilities were small in those days, and men resorted to expedients for making payments which have since been superseded by the expansion of the banking system. It must be anticipated that a like state of things to that described as existing elsewhere would come about in the United States under like circumstances. The results would be the extension of trade among merchants who could afford to take smaller profits from the employment of a capital which, even when idle, was bringing interest from government; the promotion of agriculture and manufactures as the natural outgrowth from more abundant capital and a brisker condition of foreign trade; a lower rate of interest by reason of the quicker circulation of money. Such were the unquestionable consequences shown by the experience of other countries to follow upon a national debt, assuming a just market value,

and securing public confidence. But a contrary and correspondingly mischievous condition of affairs must be expected to come from the existence amid the community of the certificates of a debt imperfectly trusted. Its fluctuations make it tempting chiefly to speculators, and so far from taking the place of capital it acts only as an injurious absorbent of the money already in the country. On every side might be seen the illustration and proof of this statement.

The funding of the national debt would also in the natural course of events have a very wholesome effect upon the value of land. The present condition of landed property was lamentable in the extreme. The value of cultivated lands in most of the States had depreciated from twenty-five even to fifty per cent since the Revolution; and far to the south the fall had been still worse. Owners were very despondent. The losses of many had been ruinous, and multitudes of settlers scarcely ventured to hope to cling to their acres and keep the roof overhead for another year.

Such were the principal inducements to the funding of the debt; and in order not to be misled in contemplating them it may be worth while to pause for a moment, and to suggest certain points of difference between the debt of the United States in 1790 and the great war debt contracted during the late rebellion. At both periods the country seemed staggering under a weight of financial obligation so heavy as to have reached the extreme limit of endurance. But with this one feature of likeness the similarity between the two financial crises ceases. Otherwise we might justly undervalue Hamilton's

speculations; for we have not seen the bonds of the United States circulate as the equivalent of money, nor have we seen them accomplish any of the results predicted by Hamilton. Those results in the enlivenment of trade, the advance of values of real estate, and otherwise, so far as they have been brought about since 1861, have been attributable, or at least have been attributed, to the irredeemable paper currency, and not at all to the bonds. The bonds have been regarded as the absorbent of capital, the convenient refuge for the great profits of trade and speculation, rather than as a substitute for money. The vital difference between the two occasions lies in this: In 1790 the object in view was to fund an existing debt; in 1861–65 the object was to borrow money and so create a new debt. In the latter instance the government took a hundred dollars — or nearly that sum — in quick capital of the country, or in products representing capital, in return for every hundred-dollar bond which it issued. Plainly enough there was no increase of money; there was only a new form of investment launched upon the exchanges. But in 1790 the debt already existed; the government did not expect to borrow, — or at least only on a small scale, and merely for the purpose of replacing one loan and debt by another loan and debt on better terms. The main proposition was to *fund an existing debt;* to liquidate the sums due, principal and interest; and after this accurate determination of the precise amount of the indebtedness, to issue for the same, and in representation thereof, a new set of securities in exchange for the old; and to make such provisions in the way of taxa-

tion and a pledge of funds to meet this liquidated and reformed indebtedness according to its terms, as should assure the world of the resolution and ability of the debtor nation to meet its obligations. The old securities were worthless as money, too nearly worthless even for sale, or as collateral security for loans, by reason of their fluctuating values depending upon the speculation which almost alone buoyed them up. But the new securities would be issued without the withdrawal of any money or active capital from the people; they would not be subscribed for by investors, who failing to get them would put their money into other channels of activity and usefulness; they would, as it was reasonably anticipated, assume forthwith a stable market value. Men to whom they were given in exchange for the old securities would obtain available assets in the place of assets almost unavailable; would receive promises to pay which would be worth their face value, and would be capable at any time and place of bringing that value, instead of commanding with difficulty a small and uncertain proportion of that nominal sum. Men could and unquestionably would at first pay their debts with them; men would find them practically subserve the purpose of money until money should itself become more plentiful; and then merchants could borrow upon the pledge of them.

Thus it seems that Hamilton's anticipations are easily to be justified, and it is necessary only to recall the circumstances and conditions of the case to meet which his scheme was devised, in order to make it obvious that certain criticisms and questionings suggested by the recent experience of the country are

quite inapplicable. The year 1862 was so far from repeating the financial conditions of the year 1790, that no surer mode of blundering in the study of the earlier period could be devised than to apply to it the principles of the more modern era, and the lessons of the later experiment.

But the gravest difficulties arose out of the differences of opinion which existed concerning the basis which should be adopted for the liquidation of the debt. The foreign indebtedness by general consent was to be paid in full. But if as to this item there was agreement, as to all others there was wide and angry dissension. The sentiments of honor and of expediency, which happily secured the foreign creditor from total or partial repudiation, seemed to operate with greatly diminished force in favor of the domestic creditor. A vague feeling appeared to prevail that the citizens of the State were the assets of the State, and might be lawfully sacrificed, at least in their property, to the welfare of the commonwealth. There was a coloring of truth in the proposition; but there were lawful and unlawful modes of effecting the immolation, and it certainly was not a lawful or a justifiable mode to single out individuals to be plundered by the breach of national promises which they held, and which created both legal and honorable obligations to them. But upon however narrow a ground of logic or morality, or even of sound policy, the party in favor of domestic dishonesty was obliged to take position, it did succeed in entrenching itself upon that field in large numbers and with a considerable show of spirit for the fight.

Quite wide-spread among the community was a

feeling of hostility to those who were charged justly or unjustly with having speculated in the national securities. These persons were accused of having taken advantage in their purchases of the necessities of those who by military or other service, or by loans, or for value received in other shape, had become the honest and deserving creditors of the nation. Unquestionably this business, legitimate perhaps but thoroughly contemptible, had been going on for some time past, and was just now being pushed with daily increasing vigor. It furnished an argument unfortunately plausible if not altogether sound. It was said, and by many persons doubtless was honestly and fully believed, to be contrary to substantial justice as well as repugnant to right feeling, to redeem in the hands of the odious speculator at its full nominal value the certificate of government indebtedness which he had purchased at an enormous depreciation from the soldier who had won its full face value by toil and wounds. The sketch of the two men — the unfortunate seller and the ignoble buyer — was drawn in lively colors, and the people who had never been forward to pay the soldiers in times past now appeared as their most zealous protectors against the grasping horde of speculative purchasers.

It was an aggravation of this hardship that the first creditor would as a tax-payer actually be obliged to bear his share of the burden of paying in full the new creditor, who had purchased from him at the rate perhaps of only three or four shillings in the pound. Some proposed to pay cent per cent to those original holders who still retained their certificates and should present them for redemption, but to pay to assignees

only such sums as those assignees themselves should have paid in procuring the assignment; nor did they seem to reflect with what ease false assignments at false valuations would be arranged to meet the emergencies which would be created by this plan, or what intricate and endless inquiries would be opened. Others went farther than this and actually suggested the impracticable notion of reimbursing to original holders the amount which should remain over after paying to subsequent purchasers the full amount of their purchase-money; a scheme quite specious, inasmuch as no individual was left a loser, and the government paid the full face value of the claims existing against it.

The secretary, after "the most mature reflection," rejected in all its shapes this doctrine of a distinction between original payees and subsequent assignees as "equally unjust and impolitic; as highly injurious even to the original holders of public securities; as ruinous to public credit." It was unjust, because the contract of the government was to pay to the original holder or to his assigns. That was the plain straightforward promise deliberately made, distinctly written out, and fully understood. The very act of assignment was a recognition of it by the assignor no less than by the assignee. It was intended that the holder should thus have the advantage of the power to sell, and that the buyer would be subrogated to all his rights. It was supposed to be and doubtless was a material advantage to the national debtor to receive a promise which was transferable and negotiable, rather than one which was not so. The one had some value, the other for a time at least might

be said to have none. The buyer lost none of his equities because he bought at a low price that which might rightfully be sold. The price which he paid, whatever it was, must be taken to be the market price established in view of the hazard of repudiation, — a hazard which was far from inconsiderable, and which perhaps turned on little less "than a revolution in government." The hardship suffered by the necessitous seller was not chargeable to the purchaser, but rather to the government: that promisor which having once been so dishonest was now inclined to be so fancifully just. The purchaser had no possible responsibility for the condition of things which rendered redemption dubious and consequently the price low. So far as this responsibility rested anywhere it rested upon government; and so far as the seller might in the way of abstract righteousness have any claim for redress, he must have it and should prosecute it in the quarter where the responsibility lay. He knew at the time of the sale just what he was parting with; he knew further that as a member of the taxable community he was liable to bear his share in the fulfilment of the obligation which he was assigning. Doubtless many a seller was only too glad to accomplish the parting, and took very light if not altogether dishonest views concerning the vague and distant obligation.

The argument, more properly to be denominated an appeal, for discrimination between different classes of holders proceeded upon the supposition that the sales by original creditors had been superinduced by their immediate urgent necessities. Perhaps in the majority of instances this had been the case, for it is

a melancholy truth that the people of the United States treated those who served them either with person or property in their struggle for liberty with a degree of meanness which reduced most of these unfortunate patriots to the extremity of need. Still it by no means appeared that this was always the case. Some doubtless had distrusted the eventual payment of the national dues, and without the pressure of necessity had hastened to sell their claim to those who had more confidence in the government than these sellers entertained, and were at least willing to wait a little longer if not to abide the final result. Others had been allured by opportunities for profitable speculation elsewhere. Who could tell that the seller might not have actually bettered his financial condition as an indirect result of the sale? Or who could under such circumstances pretend to amend and correct the equities between the several parties? It might well have happened also, that persons under temporary pressure had sold, and upon the removal of the pressure had hastened to purchase back again and to reinstate themselves in their former condition. Ought they now to be deprived of the indemnity which they had so providently endeavored to secure? Difficulties of this nature multiplied themselves without end so soon as one began to consider details, and by their multitude demonstrated the futility of the subtle discriminations which must be made in pursuit of a supposed equity.

Obstacles of detail of another class also were thought of, which might well be expected to prove insurmountable. Suppose, for example, that two years before this time two persons had bought secu-

rities at the rate of three shillings in the pound; that one had held to the present day, the other a few months since had sold at nine shillings in the pound. The latter would have made his profit of two hundred per cent; the former under the plan of discrimination would simply get his purchase money back. Yet the former would have manifested the greater confidence in the government; and could a rule be just which should leave the advantage all with the more distrustful party? Would it not show the distrust to have been only too well founded? Neither does it appear that in this supposed case the buyer who had held his securities might not arrange a fraudulent collusion with some supposed buyer from himself at a considerable advance upon the price paid by him, and so cheat the government out of a large percentage. It is true that this would involve the commission of an undetected crime. But the speculators were not supposed to have sensitive consciences. Arguments quite as colorable as those by which the government justified itself in robbing them might be invented to justify them in counter-robbing the government. As for discovery, it would be always costly, in most cases impossible. The legislature would doubtless create such safeguards as it could, but these would too surely not be impregnable before the ingenuity of interested men. Altogether it must be admitted that discrimination, which could only be defended on the ground of working substantial justice, was sure in its operation to do very much injustice upon its own or any other theory, besides exercising indirectly a very demoralizing influence. It was fair to infer, therefore, that

the scheme might not be so very just as it seemed. It must also be impolitic. For unless a transferee were protected in the enjoyment of the full rights which he purchased, the facility of transfer would be greatly reduced, and the future usefulness of the certificates of public debt as money would be almost or quite annihilated. The securities would thus be rendered less desirable; for indeed it would be hard to place any value upon a non-negotiable evidence of public indebtedness, the mere personal claim of an individual upon government. They would scarcely be marketable at all, and the government would in consequence be able to borrow upon much less favorable terms. By this means there would be imposed upon the people a needless burden, very costly and likely to remain operative throughout an indefinite future period.

The very effort to do justice by discrimination in favor of original holders would result in a loss to them. For new certificates issued to them would be salable only at such a discount below their face value as should be insisted upon by the purchaser in order to offset the hazard to his rights as an assignee measured by this alarming precedent. The scheme of doing dishonest justice would in a measure defeat its own ends, inasmuch as it would "not only divest present proprietors by purchase of the rights they had acquired under the sanction of the public faith, but it would depreciate the property of the remaining original holders," as well as of all persons who should hereafter stand in the like predicament. Of course it must be understood in elucidation of this reasoning that the "payment" which it was

proposed to make was not to be in the shape of actual cash, but of new certificates of debt more valuable than the old ones, their predecessors, only because well funded and accompanied by such legislative action as would leave no doubt of the prompt redemption of principal and interest according to their terms. This very faith in them, to which alone they could owe their increased value, must be greatly impugned by the folly of discrimination. A false payment would be made, and no payee would get what the government nominally gave him.

One more objection the secretary suggested as rendering the plan "perhaps even more exceptionable" than it had appeared in any former point of view. It would be repugnant to that clause of the Constitution, which provided that "all debts contracted and engagements entered into before the adoption of the Constitution should be as valid under it as under the Confederation." By virtue of this language there could be no doubt that the rights of assignees and of original holders must be considered to be equal. The secretary regarded these omnipotent words as "fully exploding the principle of discrimination." The only question was whether the mandate would be respected.

The next question related to the debts of the several States. Should these be assumed for payment by the national government? The secretary strongly favored the assumption, regarding the measure as one "of sound policy and substantial justice." Admitting that the State debts ought to be and must be paid, it was obvious that no greater revenues would be required if the provision were to be made

by the United States, than if it were to be made by the States severally. It then became matter for consideration whether the arrangements for meeting the national and the several State debts could not be made more conveniently and more effectually by one general plan issuing from one paramount authority, than by many different plans originating with as many different authorities? In the former case competition in taxation would be avoided; in the latter case it would be inevitable. In its train it would bring the evils of interfering regulations, the oppression of one and another particular branch of industry, the impossibility of deriving from the natural and proper sources the full amount of revenue which they might yield under a single skilful imposition. Further, the several States if left to manage their own separate debts by means of their own separate revenues would impose different taxes upon different articles, throwing obstacles in the way of the adoption of a wise and uniform system by the central government, creating inextricable complication and confusion, and for these and other reasons causing infinite waste, vexation, and disturbance of business. Should all the public creditors receive their regularly recurring instalments of interest and principal from one and the same source without discrimination in the channel of payment, they would all be treated alike; would all have interests centred in the same quarter, and would all feel united in support of the general paymaster. Distinct sources of payment, perhaps varying in punctuality, would produce a diversity of interest and mutual jealousy. Division would be fostered instead of union. It could

scarcely be doubted that the national creditors would fare best. The State creditors would be dissatisfied, and their dissatisfaction would increase any hazard that might adhere to the national indebtedness. It would be better for both classes of creditors that both should hold claims against the same solvent debtor, and should feel a common zeal in supporting the national government.

Justice, also, was upon the same side with policy. The chief proportion, substantially it might be said the whole, of the several State debts and of the national debt had been contracted for the same purpose. They were all war debts. Indeed, the larger part of many of the State debts had arisen out of the assumption of debts properly payable by the Union. But in truth, what mattered it whether these local debts were incurred respectively for the defence of one or another particular part of the common country? So long as they were in fact contracted in defending any district it was sufficient; for who could deny that the protection of each part was the protection of the whole, and that each part was entitled to be defended at the common charge? Otherwise, indeed, the tendency must be to the imposition of an increase of financial burdens upon that region which had suffered most from the calamities of war, a proposition which no one would pretend to maintain. Natural equity, to which the various creditors could hardly be blind, seemed to demand that the principal debtor who had directly or indirectly received in all instances the advantage of the various advancements of goods, money, or service should undertake the reimbursement of all upon the same

terms; and that there should be no favoritism, nor any invidious discrimination between the different classes, which were alike entitled to consider themselves as being in fact creditors of the whole undivided country.

An important obstacle to assumption lay in the common notion that thereby the difficulty of effecting ultimate financial settlements between the United States and the several States might be increased. But the apprehension of such difficulties was altogether unsound, at least if the secretary's scheme were fully carried out; and from this source there ought to arise no substantial objection. It would be just, lawful, and easy to provide in the act that there should be charged to each State, upon account, the amount of indebtedness assumed on its behalf. Hamilton did not expect to obtain from debtor States the amount of their indebtedness; but he proposed to cancel that amount, and to pay to the creditor States in just proportions respectively such sums as would constitute an equivalent compensation to each of them.

Some time afterward, in speaking of this topic, Hamilton expressed in a few clear words the arguments in favor of his measure: "The great inducements with me to the assumption," he said, "were chiefly giving simplicity and energy to the national finances; the avoiding of the collisions of multifarious and conflicting systems; the securing to the government, for national exigencies, the complete command of the national resources; the consolidation of the public credit. These were the commanding notions, and it is believed they were solid."

There remained for consideration the arrears of interest; and these unfortunately were very large. A sentiment hostile to the payment of this portion of the indebtedness was more widely prevalent than it is agreeable to recall, since it was the only really dishonest purpose that found numerous advocates; as though forsooth a public creditor who should receive back his principal, *cent per cent*, would do well to be thankful for so much good luck, and should let the interest go with a good grace! Hamilton accepted no such doctrine. He was of opinion that the arrears of interest had pretensions at least equal to the principal. A large part of the debt was in such shape that it might be considered that the time of payment of the principal was discretionary with the government; but the arrears of interest were accumulations of indebtedness, all which was overdue, and much of it long overdue. It represented income which people had expected to live upon, had counted upon, as it should regularly come in, to pay their daily expenses. In this point of view, the interest was a debt which there were stronger reasons for paying promptly than there were for paying the principal on the day of maturity. Of the two, want of punctuality as to interest might create more hardship than delay in redemption of principal. Immediate actual payment of so large an amount might doubtless be impracticable; but the impracticability no farther affected the obligation than as it might excuse the proposition of a new contract, the best that the debtor could make, in fair commutation of the broken one.

The secretary had now finished his discussion of the various classes of debt, and had rejected none of

them. The question of ways and means remained. As preliminary to considering it, a schedule of the amount of indebtedness was furnished substantially as follows: —

Principal of the foreign debt	$10,070,307.00
Arrears of interest on same to Dec. 31, 1789 .	1,640,071.62
	$11,710,378 62
Principal of liquidated domestic debt . . .	$27,383,917.74
Arrears of interest to Dec. 31, 1790	13,030,168.20
	$40,414,085.94

Besides this, the unliquidated part of the domestic debt, consisting chiefly of continental bills of credit, was estimated at $2,000,000. The aggregate of these three sums, — $54,124,464.56, — constituted the whole debt of the country. The aggregate of the State debts could not be accurately ascertained from any data in the possession of the secretary; but from such information as had been obtained in response to certain orders of the House, he presumed that the total amount of principal and arrears of interest would not exceed the round sum of twenty-five million dollars. The rate of interest on the domestic portion of the national debt, and upon the several State debts, was for the most part six per cent. Upon the foreign debt the rate was in part four, in part five, per cent. The annual interest on the entire indebtedness would be $4,587,444.81.

Could the United States meet this charge in addition to the expenses for the current service of the government, and also having due regard to such prudential considerations as ought not to be overlooked? Upon this question the secretary declared

that he would "not say that such a provision would exceed the abilities of the country; but he was clearly of opinion that to make it would require the extension of taxation to a degree and to objects which the true interests of the public creditors forbid. It is therefore to be hoped, and even to be expected, that they will cheerfully concur in such modifications of their claims on fair and equitable principles as will facilitate to the government an arrangement substantial, durable, and satisfactory to the community."

Indeed, no plan not possessing these characteristics, especially the last named of them, could be truly entitled to confidence. A system beneath which the people would grow restive would soon be overthrown. Yet it was not sufficient to show what was sound wisdom and expedient policy for the creditors. They could not be forced to be wise against their own will, and it must be acknowledged — utter impossibilities only apart — that no change in their status could be honorably brought about except by their consent, voluntary in fact as well as in name.

The indebtedness of the country was lawfully payable at any time when the debtor should choose, — a fact usually considered favorable for the debtor, and unfavorable for the creditor. The secretary's anticipations as to the probable borrowing power of the new people for this purpose of repayment are interesting. Upon the basis of effectual measures for the establishment of public credit he ventured to prognosticate that within a short period, probably within five years, the government rate of interest would fall to five per cent, and that within twenty years the rate would be four per cent. For

in his mind it was presumable that no country could borrow from foreigners on better terms than could the United States, removed as they were beyond the reach of the expensive complications of European politics, and having resources not indeed available in the shape of cash on the instant, but substantial, visible, and very large in proportion to the national encumbrances. Already, he said, these facts had attracted the favorable attention of European capitalists. Before the Revolution, money was to be had upon good security at five per cent per annum, and at even less rates. Why should not the same and indeed a better condition of things return? The probability, as the secretary thought, was that the fall in interest was likely to exceed in rapidity rather than to fall short of his predictions; but he preferred to keep within safe limits. It was impossible for Hamilton or for any prophet having no more than human foresight, and the history of the past as his only guide in judging of the future, to anticipate that wonderful growth which was forthwith to begin in the land, and which created such a demand for capital and made the returns from business, the profits from speculation, so enormous that great rates would be readily paid for the use of money. The history and experience of mankind prior to 1790 furnished no precedent upon which such expectations could be founded. It was in fact the very prosperity of the country, which quickly supervened, that prevented the rate of interest for even the borrower in best credit from falling permanently to four per cent per annum. It may sometimes happen, as it was soon seen to happen in the United States, that a high rate

of interest marks not so much an indifferent chance of repayment or poor credit as a high degree of activity in business and a wide-spread prosperity. When the high rate arises from the fact that industries are so lively, multiplying, and remunerative that any enterprising man can afford to pay that rate and yet reserve a handsome profit for himself, then the state of affairs is certainly better than at times when the stagnation of every branch of business is such that there is no temptation to embark in any undertakings, no call for money, and only a very small percentage can wisely be offered for its use.

The secretary suggested several different plans for the fulfilment of his project. By the adoption of any of them it seemed possible that the assumption of all the indebtedness could be achieved, without imposing upon the nation a burden too heavy for it to endure with reasonable ease at the present stage of its existence, and at the same time with such justice and advantage to the creditors that they could not wisely withhold their assent. These plans, which few readers would forgive me for undertaking to present in full, were as yet nothing more than official recommendations. Congress might refuse to adopt any one of them, nor would that which might be adopted be compulsory on creditors. For the present there was only needed for maturing indebtedness $2,239,163.09, and for the estimated annual cost of government about $600,000 more. At the preceding session of Congress a bill regulating imports and duties had been adopted, establishing the principle of protection of native production as the policy of the United States. Hamilton now proposed to meet the small, immediate

need by increasing the duties on imported wines and spirits, and including for purposes of taxation those distilled within the United States; also by raising the tax already laid upon tea and coffee. He thought that a sound policy required that duties upon articles of these kinds should be carried to a point as high as would be consistent with safe collection. Thus it would be needless to resort to direct taxation, or to encumber trade with a multiplicity of public charges many of which must fall upon more necessary articles. Convenience and cheapness of collection were also important considerations.

Having ventured to suggest the unpopular measure of an excise, he undertook to give the most scrupulous protection against the misconduct or imposition of the revenue officers. Under proper circumstances they could be held to respond in damages, and might even be punished as upon a criminal charge. In all cases of seizure, even upon probable cause, which should be followed by acquittal, compensation for all loss and injury inflicted was to be made from the public treasury. In view of the moderation and justice of the plan, and of the momentous fact that upon its success must depend in no small degree the character, prosperity, and even the permanence of the nation, Hamilton hoped that hostility, obstacles, and evasions need not be greatly feared.

While declaring that the proper funding of the present debt would render it a national blessing, the secretary was far from adopting the prodigal and dangerous doctrine that "public debts are public benefits." On the contrary, he ardently desired "to see it incorporated as a fundamental maxim in the

system of public credit of the United States, that the creation of debt should always be accompanied with the means of extinguishment." This was "the true secret for rendering public credit immortal." It was with difficulty that he imagined a situation in which adherence to this maxim should become impracticable; and he warmly urged that the United States should at least begin their new financial career in obedience to this grand and wise principle. It was accordingly proposed that the net income from the post-office department should be appropriated as a sort of sinking fund.

Further, Hamilton advised the contracting a new loan abroad not to exceed twelve million dollars, to be used for defraying the immediate outgo and supplying possible deficiencies. Any balance which might remain should be employed in paying off such parts of the foreign debt as bore a higher rate of interest than need now be paid, and in buying for national account the certificates of the public debt as favorable opportunities should occur. The money would be useful in the country. The future disbursement of the foreign interest would be no serious matter. Indeed, the saving in interest might alone make the transaction remunerative. The proposed purchases would also be beneficial in accelerating the advance of the public securities to their full value. Part of the profit of this advance would be reaped by government, but especially such an appreciation would be of advantage in its bearing upon the transactions of foreigners. So long as they were tempted to buy the securities for speculation at the current low prices, they were placing themselves in a position

to drain the country of its resources ; but if the stock should approximate to its full value they would either cease to purchase, or the larger sums of money which they would be compelled to send into the country would be useful to a degree far beyond the cost in interest. No advantage which might be expected hereafter to accrue from purchases made by government upon a larger scale at low prices could be expected to offset the loss which must almost surely arise from the purchases which would be made by foreigners at the same low prices. In order however to render the purchases by government just and honorable, they should be preceded by some decisive action as to the questions of funding, provisions for payment, and establishment of a sinking fund.

Urging prompt action upon these matters as being absolutely essential for reasons both of practical and moral import, the secretary closed his report, — a document coping with difficulties that have never been exceeded, and showing a financial ability coupled with an honorable spirit such as have never been excelled in the history of the country.

This report had been long looked for with profound and universal anxiety. Upon the day when it was to be submitted to Congress, a great concourse of people pressed around the chamber of the representatives to obtain certain knowledge of its contents, and doubtless also to judge so well as they could of the spirit in which it would be received by that body. Indeed, speculation had been rampant of late in government securities. Hamilton's opinions upon the financial questions which he had now to consider officially had long since been formed, and as he had

made no secret of them at earlier times when there was no reason for his doing so, they had become known to many persons. Very naturally the certificates of debt had been rapidly advancing. Until very recently they had been low enough, having generally commanded as a maximum the absurd price of fifteen cents upon the dollar; while many holders were so pressed by necessity or wheedled by designing purchasers as to accept even lower prices.

From so depressed a point was it that they began to move upward! It did not take much money to speculate with the possibility of enormous profits. The advance had already made a no inconsiderable progress when the secretary's recommendations were presented to Congress. The trustworthy publication of his opinions at once accelerated the movement and carried the market price to fifty per cent of the nominal value. Here were profits reaped at a rate per cent which the world has seldom if ever seen equalled; and there was a strong chance that he who had the nerve to buy now and to hold to the end might succeed in doubling his money. Naturally enough the speculators were busy and prosperous. But their activity and prosperity did not so much help as imperil their own cause, by no means conciliating the good-will of the people who persisted in seeing in these persons, whether rightly or wrongly, nothing else save a greedy and rapacious horde. The truth as to the amount of speculation and as to the odiousness of some of it was doubtless great enough, but as usual all sorts of exaggerations of truth and rumors altogether false were rife, and found ready credence without any hypercritical demand for proofs.

There were tales of couriers aided by relays of horses scouring the remote parts of the country to secure certificates in advance of the news. One favorite story was that a swift pilot-boat had been sent to the Carolinas and Georgia to purchase all the certificates which could be found there, before the knowledge of the present probabilities could reach those distant quarters by the slow regular communication. Members of Congress were named as having shared in these transactions of which the profit was to be assured by their votes.

Hamilton of course had been subjected to much importunity by those prudent and anxious persons, who could not feel quite satisfied without gaining certain knowledge of the nature of his recommendations before actual publication. Such information, if it could be had, insured a fortune to be made in a few short weeks. He preserved, however, the most impenetrable secrecy, making thereby not a few enemies, whose hostility was not the less rancorous because the true cause of it could hardly be disclosed by them. But he was a man of fastidious personal honor in all his own dealings, and was utterly unapproachable by his best friends upon such an occasion as this. There has been preserved his reply to an application of this nature, which appears however to have been of a more delicate and less objectionable character than many others. The writer inquired as to the probable value of the domestic debt and the interest-indents, and evidently desired only such an answer, if any, as the secretary might think it right to give. The interrogatories came from Colonel Henry Lee, of Virginia, an old comrade in the army of the

Revolution, and were answered by Hamilton as follows: —

"My dear Friend, — I have received your letter of the sixteenth instant. I am sure you are sincere when you say you would not submit me to an impropriety. Nor do I know that there would be any impropriety in answering your queries. But you remember the saying with regard to Cæsar's wife. I think the spirit of it applicable to every man concerned in the administration of the finances of a country. With respect to the conduct of such men suspicion is ever eagle-eyed, and the most innocent things are apt to be misinterpreted. Be assured of the affection and friendship of," &c.

Some few historians, who should have been more careful, have thoughtlessly permitted themselves to use a vague, general phraseology in writing of this matter, to the purport that those who lived at the seat of government had peculiar means of information; that the probable bearing of the secretary's report became known among them; and other innuendoes of the like kind. Knowledge of Hamilton's views, by reason of his having previously expressed them, may have been obtainable among his acquaintance in New York; but not a tittle of evidence, even of gossip such as was preserved by the malignant pen of Jefferson, points to any other conduct on his part than the most jealous guarding of the nature of his recommendations. It is needless to say that the proceedings in which there is too much reason to believe that Congressmen risked their honorable reputations never had his name connected with them, even by his most scurrilous opponents at the time or afterward.

The report fully sustained the high reputation of its author. It was widely read, both at home and

abroad, and the ability as well as the integrity displayed in it were everywhere admitted and admired. But it was far from obtaining universal assent. While the money-making army of speculators praised it with loud effusion, the penurious enemies of taxation assailed it with an equal vehemence. But among men who rose superior to considerations of self-interest there was a wide and honest difference in convictions. Concerning the point of discrimination, it seemed to the party of clear-headed men to be just and honorable only to abide by the rigid letter and precise obligation of the contract; to the party of sentimentalists it seemed to be narrow-minded folly to say that it was just to pay a hundred dollars to a speculator, who had bought his claim from some needy patriot for only fifteen dollars. Each side claimed to have with it substantial right concerning this question, which was very fairly discussed, mainly as a question of right or wrong, and not of economy or finance, — the favorite idea with the most formidable opponents of the secretary being not to save money by an only partial payment, but to distribute between original and present holders in certain equitable proportions the full amount which was due.

The assumption of the State debts, however, was of a different character, and awoke violent political prejudices. It was openly acknowledged that a strong motive for favoring it lay in the anticipation that it would strengthen the bond of union among the people. It would turn the State creditors from the attitude of jealous rivalry towards the national creditors to that of friendship towards the national government. Thus the country would obtain the united

and harmonious support of a numerous and influential body of men. In many other obvious ways not less potent than this the same effect would be promoted. The party which had all along been opposed to a strong centralized authority was naturally much averse to a measure avowedly intended and inevitably destined to increase that consolidation, which was to them an object of such great suspicion and dread. The division on this point seems already to have drawn the line of separation between North and South. Oliver Wolcott wrote: "The northern States seem generally to favor the plan. In Virginia and some other States there is a determined and stubborn opposition. They fear a consolidation of the government." The legislature of Virginia ultimately declared the assumption to be unconstitutional; at the same time, however, neglecting to make any provision for its own creditors, and leaving them no option save to submit to total loss or to come in under the congressional scheme.

Upon the other hand many wise judges in public affairs averred that the assumption of the State indebtedness was indispensable to the perpetuation of the national government; that the jealousies and clashings which would result from the efforts of the States to provide for their respective obligations would introduce centrifugal forces too powerful to be resisted. Thus it may be seen that the contest evoked by this portion of the secretary's report was political rather than financial in its aspect and bearings. Whatever other arguments might be added the real question plainly was not whether the burden was too great, but whether the consequences of as-

sumption would be of good or ill influence upon the nature of the government. So far as the mere matter of money and taxes went, nearly all the opponents of the secretary's plans would in their hearts have been quite willing to vote for them.

The variety of sentiment which existed throughout the country found full representation in Congress; and unfortunately, in the course of the long debates in that body, the opposing partisans instead of approaching agreement seemed to grow more vehement and resolute in their respective opinions. The new system of government had been steadily gaining strength since the inauguration of President Washington, but unless some sufficient arrangement of the national finances should be accomplished during the present session disappointment was sure to be grave and universal. For a long time the result remained doubtful, and the advocates of the Hamiltonian policy fluctuated through the lower degrees of hopefulness upon the several issues involved.

The subject came up in the House in committee of the whole. The first resolution provided for the foreign debt and was passed without debate. The second resolution, making like provision for the principal and arrears of interest of the domestic debt, was not altogether popular even apart from the vexatious question of discrimination. The secretary's project of funding was regarded with prejudice by the anti-federalists on the plausible ground that it proposed to prolong unnecessarily the final discharge of the principal sums due. They pretended to say that the feeling of the country was so strongly in favor of getting out of debt with the utmost possible

speed, that heavy taxes imposed for the purpose of effecting rapid payment would be borne much more cheerfully than would lighter taxes imposed upon the theory of distributing the burden over a series of many years. When it is remembered on how small a scale were the capital, the business, the accumulations even of prosperous individuals; how wholly problematical were the revenue and expenses of the new nation, and how mortally perilous it might be to bring unpopularity upon the new government by too severe exactions, — it will hardly appear that these criticisms upon Hamilton's scheme were well-founded. Nothing could have been fraught with graver disaster to the national credit than the failure of the new undertakings to restore the public solvency. The new United States were coming before the world, before their own citizens, with a proposition to begin a fresh record, to repair past delinquency, and to avoid for the future all danger of the recurrence of a like disgraceful condition of indebtedness. If, after a brief experiment of two or three years or less, it should become evident that the new nation had promised what it could not or would not perform; that it was falling back into the slough of debt instead of emerging from it; that arrears were beginning to accumulate in the old pernicious fashion, — then surely the condition of things would be even worse than it had been in the days of the Confederation. Such a relapse would too surely be fatal. Not easily could another opportunity of redeeming a twice forfeited character be obtained. It must be a primarily essential element in any plan which should deserve to command approbation, that it should keep within

the limits of the certain powers of the nation. Any predilection, however praiseworthy, for closing accounts by payment of all dues must be sacrificed to the imperative necessity of undeviating punctuality in the meeting of all new engagements.

But was it the fact that this passionate resolve to get out of debt had taken such sudden and overmastering hold of a people which, for a long time past, had certainly seemed not uncomfortable in their condition of indebtedness, and had had abundant opportunity at least to grow callous? If there really were any manifestations of such a disposition to endure heavy taxes it must be admitted that all trustworthy traces of that feeling have since disappeared. It may have existed with a few individuals; Madison, for example, seems to have entertained the sentiment. But Madison was a planter, not a merchant; and he showed more than once how utterly out of accord he was with the sentiments of the mercantile community.

The real objection to the funding, however, was of a political nature. Gentlemen in their assaults upon it did not hesitate to acknowledge that they feared its influence in the state. For many years to come it would exert a cohesive force. As a national measure, involving national machinery, and causing people to look to the national government as a substantial power, it was very invidious to men who, having been loath to see that government come into existence, continued loath to see it prosper. But the funding system commended itself to the people generally, who dreaded its political bearing much less than did the politicians. It was not a strong fight-

ing-ground, and the opposition reserved its chief energies for the much more available question of discrimination.

In the discussion of this topic, the policy of paying to present holders at the full value of their certificates was supported by Sedgwick, Ames, Gerry, Sherman, Boudinot, Fitzsimmons, and others. Unfortunately some of the coadjutors of these gentlemen found their influence diminished by suspicions of their interest in the current speculation. Yet the party was far superior in ability to its opponents and seemed at last about to prevail in the struggle, when suddenly they found themselves encountered by Madison. For a long while this influential member had held his peace upon this vexed question, and finally came to the rescue only when the party with which he had silently sympathized seemed to be upon the verge of final defeat. He then presented a novel proposition and also, strange to say considering its source, one of questionable constitutionality. The legal claims of the assignees he admitted. The equitable claim of the original assignors seemed to him not less entitled to consideration. It would be agreeable to pay the former in full, and to recoup to the latter their unmerited losses. This project, however, was beyond the scope of the national resources. By way of compromise, therefore, he proposed that holders by transfer should receive the highest market price yet reached by the certificates, at which figure they would realize a large and in many cases an enormous profit, and that the balance of the sum due, being possibly a little more than one half, should be distributed to the original creditors.

Evidently Madison had fallen into a blunder. In admitting the legal claim of the assignees he had admitted away his whole case. Yet this is not altogether surprising. Amid all his superb powers of constitutional analysis and statesmanship, there is discoverable no indication of the presence of the business faculty. The more abstract was the character of a question the more easily did he handle it, and however cleverly and beautifully he might discuss finance in some of its theoretical aspects he could never master its practical developments. As a professor he might have lectured charmingly upon financial topics; in a mercantile career he would probably have been overmatched by men whose minds compared with his would have seemed muddy pools beside the translucent ocean. The questions presented by the secretary of the treasury involved precisely enough of the business element, of the hard rigid rules of debtor and creditor law, of financial policy and the considerations which influence the minds of money-lenders, to render it difficult for Mr. Madison to appreciate justly the arguments which opposed his own views. His proposition was impractical almost to the point of absurdity; and finally received only thirteen votes. These were cast chiefly by the planters, not more trained than he was by a business experience to form a correct judgment in such matters. Thirty-six votes upon the opposite side included all the merchants and lawyers in the House.

It would be tedious to rehearse the rest of the debate. The advocates of the secretary's plan developed his arguments, but added no new ones of equal

weight. The grounds of opposition have been sufficiently pointed out, and we may pass at once to the next question; that of the assumption of State debts. This aroused not less angry feeling than had its predecessor. It was suggested as a purely voluntary undertaking based upon the ground of wise policy and broad, liberal justice. Hamilton had put the matter very fairly and frankly in his report. He had openly acknowledged that in his opinion it would be well to have the whole large class of public creditors look to one paymaster instead of finding themselves divided between many. A valuable unity of interest, resulting in a friendly support of the national government, would thus be cherished. On the other hand this same consideration led the party which dreaded a centralized government to a precisely opposite conclusion. Mr. Stone of Maryland put the anti-federal case very strongly. Of all the bands of political connection he conceived none to be stronger than that formed by a uniform, compact, and efficacious system of revenue. "A greater thought than this of assumption had never," he said, "been devised by man;" and he predicted that if adopted and carried into execution it would "prove to the Federal government a wall of adamant, impregnable to any attempt on its fabric or operations."

Great as was the power indirectly to be conferred upon the national government by this measure, its dimensions were of course greatly exaggerated. The payment of all the debts of the country, it was said, involved the receipt of all the revenue of the country, and taking the whole revenue signified having the whole power. "Hence," concluded Stone, "I am led

to believe that if the whole revenue of the several States is taken into the power of Congress, it will prove a band to draw us so close together as not to leave the smallest interstice of separation." The statement was of course erroneous, for it was far from being the case that the "whole revenue of the several States" was to be "taken into the power of Congress." No such grasping was anticipated; none such has ever been undertaken, or is legally possible.

In the course of debate nearly every assertion made by the secretary was controverted. But the argument which was really the strongest went to the point of constitutionality. Stone put it very well, saying that "State debts and debts of the United States were hardly convertible terms." Could it be admitted that Congress might adopt any debts it should think proper, and then, having saddled the country with alien obligations, justifiably collect taxes to discharge them? The Constitution contemplated taxation only for the purpose of paying the national indebtedness. The only answer was that Congress had the constitutional right to provide for the general welfare, and solely upon this ground could the friends of this measure pretend to sustain it. But then the purport and effect of this clause was one of the grand questions in dispute between the Federalists and the anti-federalists. The former thought it signified a great deal; the latter thought it was meaningless verbiage.

Warmth enough would have been elicited in the debate had it been confined to the character of a purely political discussion. For it was the first great battle between the opposing parties. Victory in a

test encounter meant very much. The opponents of government could hardly expect a contest to arise more important, affording to them more plausible arguments, or enlisting in their behalf more numerous local prejudices. The prestige which success would confer would be of immense value; nor did success seem improbable. Only one consideration interfered with the character of the decision as a fair trial of strength, and that consideration was the very different respective interests, and perhaps also rights, of the States in a strictly financial point of view. As reflections of this kind could hardly fail to bias the minds of representatives of the several debtor bodies, so they inevitably infected the discussion with many personal and irritating encounters. Comparisons were inevitable, and spread offence broadcast. The States which had the largest debts naturally sought to show that this condition of things had been caused by proportionally greater exertions in the Revolution, and greater contributions to the common cause of liberty; for which reason they urged that it was just that a large indebtedness should be assumed as readily as a small one, when the country had received the full benefit and value of the one no less than of the other.

At once upon the debate reaching this stage, the pæans chanted by one speaker in behalf of his State naturally and inevitably led to the singing of rival pæans from some other quarter. It was impossible that the rivalry of the excited orators should not soon assume an acrimonious tone. Crimination and recrimination led to numerous displays of jealousy and ill blood. Massachusetts with an indebtedness

of fully five million dollars, upon which she had striven zealously and successfully to pay the interest by means of an impost of which she could now no longer avail herself, was strenuous for assumption. Virginia had still a large debt, in the neighborhood of three and one half millions; but betwixt an almost total repudiation of her paper money and sales of her Kentucky lands she had considerably reduced the much larger original amount. She thought she had done so much more to help herself than other States had done, that the assumption merely of her present balance would be unjust to her. She led the anti-assumption party, and in the warmth of the debates her representatives claimed for her that whereas the debts of some other States exceeded her debt, yet her exertions in behalf of the United States in the Revolutionary war had been greater than those of any of her sisters. This was indignantly denied; and so heated became the controversy upon this side issue that statistical information was called for to settle the dispute. This showed that the Virginian boasts were unsupported by facts. Massachusetts alone had furnished more men to the Continental army than the sum total of all the troops furnished by all the States from Delaware southward.

The leading members of the House were divided upon this question pretty much as they had been upon that of discrimination. The resolution in favor of assumption was finally carried by a vote of thirty-one to twenty-six, after it had occupied the time of Congress for nearly three weeks. But the vote was only in committee of the whole, and there was good reason to anticipate its reversal in the House proper;

for the members from North Carolina were on their way to take their seats, and they were understood to be strong anti-assumptionists. Indeed, as this State had been very reluctant to come into the Union at all, so after she had decided to come she for some time showed her spite and ill-will by every means which offered, keeping herself continually in opposition to all measures of a national character, and casting all the obstacles she could in the way of the smooth and efficient running of the government. Nearly three weeks later her representatives proved these anticipations concerning their action to be well-founded. On March 29 the resolutions of the committee came up for action. The first and second, making provisions respecting the foreign debt and for paying in full the principal of the domestic debt to the present holders, passed readily enough without a division. The third resolution in favor of the payment of the arrears of interest in like manner with the principal of the domestic debt also passed by a respectable majority. But the fourth resolution, declaratory of the assumption of State indebtedness, was recommitted by a majority of two votes, — twenty-nine to twenty-seven. The next day the friends of assumption, not wishing to see the question isolated, succeeded in having the other resolutions also recommitted, declaring that the subject-matter of the report ought not to be divided. Again the same hot and angry controversy raged; Virginia, under the able leadership of Madison, still being in the van of the anti-assumptionists. Upon the other side South Carolina and Massachusetts were found together. There was some language held, which was

construed as a threat of secession on the part of the eastern States in the event of the measure failing; and failure seemed to be its inevitable destiny. It was an odd circumstance that a measure justly expected to strengthen the Union, and which ultimately had that effect, should have first provoked the threat of dissolution. When the question was put, the assumptionists were again defeated by the same majority which had recommitted the resolution; the vote this time standing thirty-one to twenty-nine. In one shape and another, during the debate on the remaining resolutions, assumption was repeatedly brought forward. Its friends were indefatigable, but the hostile phalanx could neither be conquered nor circumvented, and finally on June 2 a bill was passed by the House in which assumption of State debts was not provided for.

It is probable that this all-important recommendation of the secretary would thus have come to nought, and a train of serious disasters possibly even fatal to the new-born nation might have ensued, had not good fortune offered to Hamilton's auxiliaries an opportunity to traffic with some of their adversaries. The happy solution of this vexed problem was brought about in manner following. A topic which had been longer in discussion than this question of assumption, and concerning which disagreement had been not less bitter, was that of the situation to be chosen for the national capital. New York held out attractions, as did also Philadelphia and Baltimore, at least for temporary accommodation, and the hold which might be acquired by temporary occupation was much dreaded. The chief rivalry for permanent

establishment was between a spot on the Delaware, near Philadelphia, and a site upon the Potomac. But thus far the latter scheme had been rather unsuccessful in obtaining friends, though backed by the strong endeavors of Virginia and Maryland.

The timely thought now occurred to some of the leaders of the party for assumption that by a bargain they might compass their much-coveted end. The idea was eagerly followed up, and resulted in a perfect success. A few gentlemen, of whom Hamilton was one, met to dine and discuss the project. The result was an agreement that White and Lee of Virginia should change their votes upon the resolution in favor of assumption, and that Hamilton and Robert Morris should use their influence, which was abundant, among the northern and eastern members to bring enough votes from them to secure the choice of a site upon the Potomac for the permanent seat of the national government, after a preliminary stay at Philadelphia for the next ten years.

The plan which was rough hewn at this little dinner party was in good time carried to a successful termination. But so long as it remained a secret no little asperity and obstinacy marked the renewal of the debates upon assumption in the House. Nor did this wholly disappear when by degrees a better intelligence dawned upon the members. The assumption accomplished by this means was not made in quite the fulness advised by the secretary in his report. Some concessions were submitted to, not very considerable, but such as to make the project more acceptable both in substance and in shape. The sum of the State indebtedness had been esti-

mated by Hamilton at twenty-five million dollars. The amount of State indebtedness assumed by the United States was twenty-one and one-half million dollars, and this was apportioned among the States in certain specific sums respectively. There were disputes and delays as to many points of detail, and some of the most earnest opponents would not give over discussion though convinced of the hopelessness of the contest. The bill was, however, finally passed in substantially satisfactory form by both the Senate and the House.

The hostilities engendered in this debate survived the enactment of the statute; and the measure, of which the fate had been so astutely determined, long continued to be the subject of acrimonious controversy. Feeling had been too deeply stirred to subside readily. The party lines had been for the first time very sharply drawn; and they had divided the members not unevenly. The fight had therefore been an exceedingly hard one; nor could the party which, having in the earlier stages actually grasped success, afterward found itself obliged at the last moment to submit to have its prize wrested from its hands ever be persuaded that the ultimate triumph of its opponents had not been won by inexcusable chicanery. Indeed, the members of Congress who favored assumption had felt that by the turn which the debate took the whole fundamental principle upon which the government was to be conducted had come to be at stake. Was it to be a strong, consolidated, centralized government, or was it not? Was the adoption of the Constitution to be the birth of a nation, or the creation of a nerveless and short-lived

spectre of nationality? Such seemed to them, and such doubtless really was, the issue made up between them and their opponents. The single contest might not be for ever decisive, but its extreme importance could not be disguised. Not less vigorously than they had struggled to secure the adoption of the Constitution, did they now rally to this battle in behalf of the government organized under that instrument. With much zeal and obstinate resolution did they labor; and they at last conquered success simply because they would rest with nothing else.

Time brought their vindication; for it was soon generally acknowledged that the people felt the whole combined taxation to which they were subjected, and which was promptly and fully met, very much less than they had previously felt the State taxation alone in spite of the fact that they had often evaded it. It was charged afterward that the aggregate of the State indebtedness was less by ten million dollars than the sum adopted. If this calculation was true, for which however there is no trustworthy authority, the burden of the blunder rests with Congress, which insisted upon making a final definite arrangement at once, and cannot be shifted upon Hamilton who proposed an assumption subject to subsequent investigation and adjustment.

Hamilton had a grand triumph; and looking back from this period in the history of the country upon the developments which succeeded that triumph it must appear both fortunate and deserved. But vehement abuse was showered upon him at the time by the opposition. The large and powerful party which had opposed the Constitution now vented their wrath

against the most important and vital measure of the first administration coming into power under that Constitution. Many temptations induced them to adopt this policy. The success of Hamilton's scheme would so far strengthen the government, would exert such a consolidating influence, would rally so united a body of able and interested supporters, that the possibility of the failure of the great political experiment must now be very greatly reduced. On the other hand the rejection of any important part of the secretary's plan would have left such elements of discord in operation, and would have made the government apparently so feebly beneficial in restoring harmony, prosperity, and credit, that the most gratifying results in the way of discontent and disaster might have been anticipated. The funding of the national indebtedness was not an easy subject of criticism, yet it did not wholly escape. The weight of censure, however, was reserved for the assumption of State debts; and for his advice in this respect the secretary was overwhelmed with the invectives of the anti-federalists. The opposition was partisan in its character, and the old lines which had divided the people upon the question of adopting the Constitution were pretty well preserved. Only a very few prominent individuals changed sides upon this new issue. Gerry, for example, distinguished himself as a strong advocate of assumption. Whereas Madison, as has been seen, hitherto a federal leader, was now found in the opposite ranks; and there for the most part remained for the future, until he became an acknowledged chief of the Democratic party.

CHAPTER IX.

THE FIRST NATIONAL BANK.

An important portion of Hamilton's general scheme for restoring the finances of the country, both public and private, to a sound and wholesome condition was the establishment of a National Bank. It has already appeared as a favorite project with him many years before he was himself in a position to carry it into effect. He now presented a very elaborate argument in favor of the measure. The merits or demerits of a National Bank at any other period in the history of the country save that now under consideration cannot properly be discussed here, nor is it necessary to take sides either with Andrew Jackson or with Nicholas Biddle. The question which Hamilton had to consider was the probable usefulness of such an institution amid the anomalous exigencies of the time at which he urged it. That it was an excellent, even an indispensable, resource in those days of peculiar difficulties may be admitted by financiers and statesmen who are yet firmly of opinion, that in later days and when those peculiar difficulties had vanished the destruction of so powerful an organization was a fortunate event.

It is not easy for this generation to appreciate the condition of the country, and the customs, needs, and appliances of business in 1790. In a certain sense the cardinal principles of the modern theory of credit, of exchange, and of the banking business as connected therewith were then comprehended, and were in operation. But the operation was by no means so smooth and easy as in modern times. The physical obstacles presented by vast distances and slow uncertain transit were aided by many other impeding circumstances. For example, there were among all the States only three banks. Of these the oldest and largest was the Bank of North America, originally established by Congress at the request of Robert Morris toward the close of the Revolution, and having now a capital of two millions. It was situated in Philadelphia. Its nearest neighbor was in the city of New York, and the third and only other bank was in Boston.

All these three were in their present organization strictly State institutions, established under charters issued by State legislatures, and in no respect amenable to the national government, which could have no greater facilities than any other customer for knowing their condition or obtaining advantage from their resources. It must deal with them as a depositor from sheer necessity, but it could not properly receive their bills in payment of dues, nor did it seem proper to tender payment to the people in a currency which would not be taken from them again. Government dealings consequently had to be made exclusively in gold and silver coin. Nor was the country itself in a comfortable condition in this respect. The people

were actually suffering severely from a dearth of currency, insomuch so that even the primitive custom of bartering goods had been resorted to in frequent instances. The current of trade naturally tended to drain the precious metals away from a young country as yet having few manufactures. The supply was really chiefly sustained by the capital brought by immigrants, or invested in this country by foreigners, or borrowed by our merchants from lenders abroad. But an immigrant was more likely to have his fortune to make than to bring a fortune with him; foreigners invested little in a country where every thing was new and problematical, and borrowing was plainly a very dangerous resource.

All sorts of shifts had been resorted to in times past to furnish a substitute for coin. Paper money had been issued by the several States, but this was no longer possible by reason of the prohibition so wisely written in the Constitution. The national government had issued paper money, but the event of that experiment had been so melancholy and was so fresh in the minds of all, that its repetition was no more to be looked for than it was to be desired. Hamilton took strong ground against any such blundering road out of the surrounding emergencies. A direct prohibition, he said, had been well imposed upon the individual States; and "the spirit of that prohibition ought not to be disregarded by the government of the United States." "Paper emissions . . . are of a nature so liable to abuse, . . . so certain of being abused, that the wisdom of the government will be shown in never trusting itself with the use of so seducing and dangerous an expedient."

Even if not "rendered an absolute bubble," such a currency would inevitably produce "an inflated and artificial state of things, incompatible with the regular and prosperous course of the political economy." The truth of these remarks has been thoroughly proved since that day.

Among other material differences between a paper currency issued by the mere authority of government and one issued by a bank payable in coin, Hamilton pointed out, "that in the first case there is no standard to which an appeal can be made as to the quantity which will only satisfy, or which will surcharge the circulation; in the last that standard results from the demand." If the bank thrusts upon the community more paper than the community wants, it will find that paper forthwith returned to it for redemption. The bank's emissions must always be in a compound ratio to the fund and the demand, whence results a limitation from the very nature of the thing; whereas the government's own discretion is the only limitation to its own emissions.

The possibility of supplying an abundant, trustworthy currency both to the government and to individuals would be the benefit most sensibly felt by the people at large. But the artificial capital, in the shape of mercantile credit, which could be furnished to merchants and traders would prove indirectly of not less advantage to the whole community. The country having at last emerged from the long, exhausting war, and the almost equally trying period of political embarrassment, was now in a condition rapidly to extend its industries and to enter upon new and extensive enterprises. To the bringing more

territory under cultivation, to introducing manufactures, and to the development of all the natural resources of the land, capital alone appeared now to be wanting. What quick capital there was among the people had been almost wholly drawn into commerce and shipping. Yet even for these purposes there was not nearly enough. In truth there had been neither time nor opportunity for accumulations, and some artificial sources of supply were indispensable.

What should be the nature of the connection between the bank and the government was a question of equal delicacy and importance. The public confidence, which was indispensable to success, Hamilton believed could be acquired only by making the institution private in its character. It must be directed by individuals, and subject to the guidance of individual interest, not of public policy. Sooner or later a weak or a sanguine government would surely abuse the power of control and subordinate the interests of the bank to the real or supposed necessity of the administration. The dread of such a state of affairs, the suspicion, even unjust, of its presence in ever so small a degree, would be destructive of the good fame of the institution and therefore ultimately of the institution itself. "The keen, steady, and as it were magnetic sense of their own interest as proprietors, in the directors of a bank, pointing invariably to its true pole — the prosperity of the institution — is the only security that can always be relied upon for a careful and prudent administration. It is therefore the only basis on which an enlightened, unqualified, and permanent confidence can be expected to be erected and maintained." Thus decidedly did

Hamilton express his sense of the absolute necessity of keeping the bank free from the influence and complications of politics, — the one danger which served more effectually than any other to popularize the opposition to the existence of a national bank in later times.

So far as giving aid to the government in the day of its need was concerned, the secretary conceived that no good government would fail to receive all the aid that it could reasonably demand. The natural weight and influence of a respected administration with a class of men such as the directors must surely be would be very powerful. The bank would be obliged from time to time to ask from the government a renewal of its charter, and would naturally seek to cherish friendly feelings in a quarter whence it had to look for the vital favor of a continued existence. The interest of the bank also would militate in the same direction, for the government in the use and disposition of its funds could generously reciprocate obligations.

Nor need the State be refused all share in the profits of the business. It might properly be admitted as a shareholder to a certain extent, though not as the owner of a principal part of the stock. It should also enjoy the very important privilege of a right of ascertaining at frequent intervals the financial condition of the bank, not coupled with any power of control, or with any right to examine the accounts of individual customers and depositors. But it should have the right to inform itself with certainty concerning the standing of an institution involving national interests of such magnitude. This power of examination must

also redound to the benefit of the bank, by strengthening public confidence in it.

Hamilton submitted a plan for the charter, embodying the foregoing principles. The capital stock was set at ten million dollars, divided into twenty-five thousand shares of $400 each. The subscriptions were receivable one quarter in gold and silver coin, three quarters in the six per cent certificates of the national debt. This latter provision was founded upon English precedents, and a feature not altogether unlike it is preserved in the present national banking system in the obligation upon the bank to secure their circulation by a deposit of government bonds. In 1790 the actual want of money would have rendered it impossible to pay the subscriptions in cash.

The United States were entitled to subscribe for two million dollars of stock, and simultaneously to require from the bank a loan of the same amount, payable in ten equal annual instalments. It was also provided that no similar institution should be established by any act of the United States during the continuance of the one hereby proposed to be chartered.

A bill in almost precise conformity with that submitted by Hamilton passed the Senate very easily. But when it came into the House it encountered a vigorous opposition. Anti-federalists saw in it a dangerous extension of the dreaded secretary's pernicious schemes for strengthening and perpetuating the government. It was a fitting supplement to the odious measures of funding and assumption. The cry was that the moneyed interests were to be concentrated and brought into intimate connection with the national government. The administration was to be

placed in such a relation towards the capitalists and the mercantile community as to be sure of their united and zealous support. Something in the nature of a politico-financial conspiracy was charged. The cry was that land-owners and farmers were to be made the helpless victims of the public creditors and fund-holders; that agriculture and production were to be sacrificed, while trade and commerce were to be pushed into the ascendant. A new and powerful organization having its seat in the North and East was to reduce to insignificance and helplessness the Centre and the South. Comparisons were instituted, and while it was asserted that Hamilton was a known admirer of the British polity and constitution, it was shown that the funding scheme and the national bank were but the reproduction of British measures. He was charged with insidiously working a fatal assimilation of the American government to that of Great Britain. As an appeal to prejudice such asseverations, violently made and often repeated, were not altogether devoid of effect. But when it became necessary to point out the intrinsic defects in the proposed schemes, the serious difficulty was encountered of impugning a financial system which up to that day had had no rival in the world in the success of its operation. Hamilton's opponents likened him to Montague, that "most daring and inventive of financiers," as if they had been likening him to some arch-fiend in politics and finance; but when they abandoned invective and stood upon arguments they did not make much out of their British comparisons. Madison's argument against the constitutionality of the measure was more formidable; but even that

could not prevail. The bill was carried by a vote of nearly two to one, — thirty-nine to twenty. The division was geographical; and the bulk of the opposition came from the planting States, the delegations from Virginia and Georgia being unanimous in the negative. The northern and eastern States, where chiefly the benefits of the corporation would be felt, were equally combined in support of the measure.

Following so rapidly in the wake of the preceding Federal successes, this triumph caused a great accession of dismay and ill-temper among their adversaries. The characteristics of the new government were being established very rapidly, and as they were established so there was too much likelihood that they would remain, since the tendency of power is ever to perpetuate and increase itself. Federal principles, said the anti-federalists with groans and protestations, were being riveted upon the people like shackles, which would soon render even struggling an impossibility. For a time some hope was reposed by these alarmists in the president. He was known to entertain much doubt as to the propriety of signing the bill. The argument against its constitutionality had made much impression upon him, and he was seeking all the aid within his reach to assist him in coming to a determination. The attorney-general, Randolph, promptly furnished his written opinion to the effect that the bill was unconstitutional. Jefferson speedily followed with his written opinion to the same purport. Washington placed both these documents in the hands of Hamilton to enable him to refute them, provided they were capable of refutation. Meantime it seems that the president had privately con-

sulted Madison, and requested a written statement of the legal objections to the bill for his use in case he should conclude that his duty was to veto it. Hamilton was hard pushed with other matters, but amid the press of business which the close of the session imposed upon him he found time to present to the president a written exposition of his views of the law so convincing, that Madison's rough draft of a veto was not used. It might have been used afterward by Madison himself, who was president when the second National Bank was chartered, and who did not veto but signed the act of incorporation.

The opinion furnished by Hamilton to the president has always been admitted to be a singularly able paper. Afterward, when the famous cause of McCulloch *v.* Maryland,[1] raised the question in the Supreme Court, Chief Justice Marshall in an opinion acknowledged to be one of the finest ever delivered by him added no new argument to those contained in this document. Indeed there was nothing new for him to add; there were small gleanings to be gathered from a field wherein Hamilton and Madison had been reaping in rivalry. No juridical argument — said Horace Binney, the distinguished lawyer of Philadelphia — ever has shaken or ever will shake this argument in favor of the bank. To abbreviate Hamilton's opinion is to do it such injustice that the task should not be attempted. It established the grand principle that the government must be allowed to derive substantial powers from just and liberal implication, and that a useful, proper, and usual means of performing any end might be lawfully

[1] 4 Wheaton, 316.

resorted to by the government, when that end was among the functions for the performance of which that government was created. This was the fundamental doctrine of Federalism.

The president kept the bill under consideration until the last moment at which he was advised by Hamilton that it could be kept and not become a law without his signature. Then he returned it signed. While his decision had remained in doubt, some of the more eager advocates of the bill in Congress had kept a close and minute scrutiny upon the lapsing hours, and asserted that the ten days had gone by, and the bill had become law beyond the reach of a veto. So unfortunate a controversy was happily avoided by the announcement of the signing just after the declaration concerning the time was beginning to be whispered among the interested partisans.

The further history of this topic is not without a moral appropriate at this point. When by lapse of time the charter of the first bank expired in 1811, the bill for its renewal was lost in the Senate by the casting vote of that invincible veteran of anti-federalism, George Clinton, then vice-president. Some three years later, under the financial pressure caused by the second war with Great Britain, a charter for a new bank was passed by very large majorities in Congress, though the anti-federalists were omnipotent in the government. Madison then vetoed the bill, and in his message actually named as an objection to the provisions of the law that it compelled the redemption of the bills to be made in specie upon demand! Naturally it proved impossible to remain long entrenched in such a position as this, and Madison soon

found himself obliged to sign a charter containing this obnoxious provision against an irredeemable bank-paper currency. But if Madison was no financier, certainly Gallatin was. His reputation has not survived in the comparative lustre to which it was entitled; but it was well known in his generation that among the anti-federal leaders he was in financial wisdom at least without peer. In good time he bravely conquered his prejudice against a National Bank, and while filling the office of secretary of the treasury he stated its great usefulness even more strongly than ever Hamilton had done. Moreover, if the Federal creature had been pregnant with hazards to the commonwealth, the anti-federals, when their turn came, spared no pains to make their own monster more dangerous by far. They increased the capital upon a scale much more than commensurate with the increase of the business of the country, and they allowed the payment of three-fourths of the stock-subscription to be made according to the much-maligned scheme of Hamilton, in certificates of the public debt. One-fifth of the whole body of directors, including the president, were to be appointed by the president of the United States; and under authority of government specie payment might be suspended! Such were their propositions, and it required the most strenuous efforts of the Federalists, then a minority in opposition, to keep out these last dangerous provisions. Hamilton was no longer alive to witness this very ample vindication furnished to one of his greatest measures, by the same party and by many of the same men from whom the strongest opposition to his project had proceeded.

The sincerity of the anti-federalists in advancing so strenuously the objection of unconstitutionality is not altogether beyond a question. A noteworthy member of their party — no other indeed than James Monroe, afterward President of the United States — distinguished himself by his opposition in the Senate to the charter of the first bank; and afterward, when his own party was in power, he distinguished himself no less by advocating the establishment of the second bank. If his conduct was double-faced, his explanation at least was frank enough: "As to the constitutional objection," he said, "it formed no serious obstacle. In voting against the bank in the first instance, I was governed essentially by policy. The construction I gave to the Constitution I considered a strict one. In the latter instance it was more liberal, but, according to my judgment, justified by its powers."

Great was the competition upon the day when the subscription-book for shares was opened under the superintendence of commissioners appointed by the president. Not only was all the stock immediately taken, but a large surplus of applicants encountered disappointment. As had been anticipated, a great rise in the value of the public debt had been caused by the provision for its receipt in part payment. From this eager demand for bank-shares and this rapid advance in the price of debt-certificates resulted a state of affairs, brief and unavoidable, but disastrous. A whirlwind of speculation swept over the country. Scenes were witnessed which bring to mind the spectacle of the New York Stock Exchange during the civil war. "Corners" were but imperfectly understood in 1791, but "time-contracts" were

familiar to the ingenuity of that generation and were indulged in upon a scale which was immense in proportion to the resources of the community. The banks already existing manufactured money and credit in the most reckless profusion to supply the demands of the speculators who controlled them. Prodigious and utterly unreasonable advances were made with fearful rapidity. The speculation which had attended the publication of the secretary's famous report concerning the public debt was far outrun upon this occasion. But the excitement was as short-lived as it was furious. There was no capital in the country. Men who lost in the wild game were utterly unable to pay; the point was quickly reached beyond which farther advance was impossible; the inevitable rush to realize occurred; and then of course came ruin, panic, and a terrible havoc throughout the business world.

With a sure foreknowledge of what was to come, Hamilton had watched this fury with the gravest anxiety. When in the earlier speculation couriers were said to be scouring the country to buy up the certificates of public debt at the absurdly low prices then ruling, Hamilton had done all that in him lay to counteract these contemptible and rapacious manœuvres. Crowded as he was with business, he had found time to write a pamphlet for general distribution among the people, explaining in a style fitted to the popular comprehension the somewhat complex system of funding, and seeking to show to the holders of certificates what their value was. Now, in this second juncture, he again put forth his best efforts to check the general folly. It was most unfairly im-

perilling the reputation of his great measure, as well as seriously injuring the people. "A bubble," said he, "connected with my operation is, of all the enemies I have to fear, in my judgment the most formidable." When the distress came the secretary sought to alleviate it by such means as were in his power, by purchases carefully distributed among the suffering cities, made from the sinking fund created by the public debt; thereby helping these securities to recover from the sudden and undue fall which followed their equally sudden and undue advance, and also increasing the volume of money available for the public.

It was hard, while Hamilton was watching the speculation with dread, and exerting his personal influence and all the just means within his reach to stay its course, that he should have suffered in his reputation from false and idle tales to the effect that he himself was interested in it. Duer, with whom he was intimate, was speculating among the wildest, and the detractors of Hamilton would have it that there was some kind of secret partnership between the two. In fact, Hamilton's private correspondence shows that, so far from abetting, he expostulated warmly and repeatedly with his infatuated friend. Of course his kindly warnings were in vain, as warnings always are in such cases. Duer would not be controlled. The result was that he failed and was thrown into prison by his creditors, in which unhappy strait he received assistance from Hamilton, both in money and in efforts to procure his release.

CHAPTER X.

THE EXCISE AND THE MINT.

THE revenue laws during their early trial worked with much success. The president in his message to Congress stated with satisfaction that, in a period of a little more than thirteen months, $1,900,000 had been collected, and the national credit had been so far improved in public estimation that the certificates of the national debt were now salable at seventy-five cents on the dollar. It was, nevertheless, necessary to raise about $826,000 more than could be fairly expected to accrue from the sources already established. Accordingly, on December 13, 1790, Hamilton sent into the House another report on the public credit.

His recommendations previously offered, concerning taxation of wines and spirits of home manufacture, had not been very favorably received by Congress. The unpopular name of excise had raised a vehement and successful opposition. Now, however, he ventured to renew them in the belief, as he said, that collateral and temporary considerations, since removed, had hitherto prevented their adoption. For the best argument that had been brought against

this project when it was first suggested was that, if the State indebtedness should not be assumed by the nation, the States would need this resource. Now, however, that indebtedness having been assumed, the same argument would show that the national treasury in its turn would stand in need of this means of income, and that the States could do without it.

The scheme of an excise might be expected to work well in connection with the imposts on imported liquors, for the collection of which an improved machinery was needed. Heretofore the security of the revenue had depended chiefly upon the integrity of the individual importers. The oaths of the merchants, being the parties most interested to evade the duty, had furnished nearly the sole security for their compliance with the laws. Hamilton chose now to transfer this security and to found it upon the vigilance of public officers. The reliance upon the dealers had proved to be too often misplaced. The principle of such legislation was bad; because, as Hamilton expressed it, it was "not sufficiently in accord with the bias of human nature." The new regulations might be arranged to include home-made as well as imported liquors, with little increase in expense over a system applicable to the latter only.

An excise had always been an unpopular form of taxation in Great Britain, where the name of the exciseman had passed into a term of reproach more offensive than that of the publican of old; and a not less resolute antipathy had been manifested at the preceding session of Congress to its introduction into this country. Yet it was not really a novelty even among the States, and the secretary's proposition was

only to extend to the country at large taxes similar to those which had already been established in Massachusetts, Pennsylvania, Connecticut, and to some extent also in other quarters. Opposition had been chiefly based upon the arbitrary and excessive authority of entry, search, seizure, and confiscation customarily conferred upon officials. From the plan proposed by Hamilton these odious traits had been carefully eliminated. The officer of excise was to have no summary jurisdiction, no right of indiscriminate visitation. He could enter only such depositories as the dealers themselves should designate by public insignia; and in case of oppression, or even of unintentional mischief, compensation was granted, which was really chiefly open to objection on the ground that it was upon a scale dangerously liberal and actually tempting to abuse.

Whatever the objections to an excise, greater objections existed to any other tax. It was better than a tax on houses and lands, which could never be made to bear equally, and which Hamilton wished to see held in reserve for exceptional emergencies. It was better than putting additional duties on merchandise imported from foreign parts. For most imports were already taxed quite high enough. Nor would it be wise to make the importers think that the whole revenue of the country was to be collected from and through them.

The secretary closed his report by suggesting the expediency of establishing a system of bonded warehouses, thereby conferring upon the importers one of the greatest boons and conveniences ever devised in their behalf.

The plan was vehemently opposed in the House, chiefly upon various grounds of separate local interest. Georgia did not wish to see her trade with the West Indies encumbered. In North Carolina the people drank so much that the tax would fall with exceptional and terrible severity upon her; nor did her representatives seem to think that any improvement in the health and morals of their constituents would compensate for the infringement upon their favorite luxury. Jackson, a blatant creature, always in opposition and always violent, declared that an excise would deprive the mass of the people of the southern States "of almost the only luxury they enjoy, that of distilled spirits." There was much eager debating, but the result was the passage of a bill nearly coinciding with Hamilton's recommendation. A duty was imposed upon imported spirits, ranging from twenty to forty cents per gallon according to strength; and the excise upon domestic spirits varied from nine to twenty-five cents per gallon on those manufactured from grain, and from eleven to thirty cents on those made from molasses or other imported material. To a generation which has seen an excise of two dollars per gallon levied on home-distilled whiskey, these rates do not appear very exorbitant, nor such as to justify the strenuous hostility which was aroused against the secretary's schedule.

MINT.

A nation having been established, it seemed proper that there should also be established some distinctive and standard national currency. Hitherto nothing of the sort had existed, and the United States was

dependent upon the coinage of other countries for all its hard money. In spite of the fact that the colonies had been in such close commercial connection with Great Britain, the money unit of that country had not been kindly adopted by her cis-atlantic dependencies. Pounds, shillings, and pence, had been nearly superseded in the common reckoning by the Spanish dollar and the cent of the Continental Congress. The propriety of providing a mint had often been pressed during several years past, but the difficulties and obstacles inherent in the undertaking had prevented its accomplishment. In the first tariff act Congress had treated the Spanish dollar as the monetary unit, and other coins were declared to be receivable in payment of duties at rates determined by their ratio of value in comparison with this piece. Of course it was undesirable for many practical reasons, as well as unworthy of the dignity of the nation, to permit such an arrangement to be otherwise than temporary. Accordingly, the establishment of a national coinage and a national mint was a subject demanding the early attention of the secretary of the treasury.

This was no such simple business as the citizens of an old country are apt to deem it. Indeed, when for gold and silver pieces mere printed scraps are substituted, the manufacture of money seems reduced to the last degree of simplicity. Yet such appearances are sadly misleading, and Hamilton had many questions to consider, much information to obtain, ere he could make a report containing mature and sufficient recommendations. "A plan," he said, "for an establishment of this nature involves a great variety

of considerations — intricate, nice, and important. The general state of debtor and creditor; all the relations and consequences of the essential interests of trade and industry; the value of all property; the whole income both of the State and of individuals, — are liable to be sensibly influenced, beneficially or otherwise, by the judicious or injudicious regulation of this interesting object." Those who have not studied the subject may be somewhat surprised at the magnitude of importance quite correctly attached to it in these words.

It needs but to continue the perusal of the report, to be convinced that Hamilton did not exaggerate the gravity of the task. This matter of coinage and currency, which in its present familiarity attracts scarcely a passing thought, involved a vast deal of laborious reflection before it could be created. Few readers would follow an abstract however abbreviated of this document; yet if it was the dryest, it was certainly not the least difficult or important of the many labors of the secretary at this period. Suffice it to say, that he established with much care the proper value of the dollar, the ratio of gold to silver, the amount of alloy, and the amount of charge which could be wisely made to the individual for the process of coining his bullion into money, — a question by the way of great difficulty and bringing in its train some very nice and singular influences upon international exchanges and trade.

The number and proportional value of the new coins must be in a measure experimental. It would be well to start with a few, and to multiply them according to the exigencies of the people. The sec-

retary accordingly advised beginning with the following: A ten-dollar gold piece; a one-dollar gold piece; a one-dollar silver piece; a silver dime, being one-tenth of the unit; a copper piece, being one-hundredth of the unit; a second copper piece, of one-half the value of the other. The gold dollar was not expected to circulate largely. The chief inducement to its existence was that there should be a sensible object in that metal, as well as in silver, to express the unit.

"The devices of the coins," said the secretary, "are far from being matters of indifference, as they may be made the vehicles of useful impressions. They ought therefore to be emblematical, but without losing sight of simplicity." This recommendation is eminently in keeping with the somewhat didactic spirit of an age when public moralizing was the fashion, and the utterance of fine moral sentiments appeared neither dull nor ridiculous. The country has outgrown the form of expression as well as the substance of the advice. Whether the head labelled with the glorious title of Liberty, or the astonishing eagle which decorated our hard money a score of years since, tended to raise any improving thoughts in the minds of the people may be doubted by the sceptical; certainly, no one can even doubt whether the portraits and decorations of the "greenback" and "postal" money are likely to be the "vehicles of useful impressions" to any person.

When the subject came before Congress, this matter of the device gave rise to a debate very elaborate and warm at the time, but furnishing no small material for entertainment now. For one side of the coin,

the eagle and the legend "United States of America" were very readily and harmoniously adopted. The disposition of the other side gave rise to serious controversy. The Senate proposed "an impression or representation of the head of the president of the United States for the time being," with a legend reciting his name, his order of succession in the presidency, and the date of the coinage. The republican spirit of the lower House took a dreadful alarm at this insidious proposition. The image and superscription of Cæsar constituted the first step toward Cæsarism. The head of the president upon the coin of the country would pave the way to monarchy and despotism. One gentleman asserted that the scheme "had a very near affinity to titles, that darling child of the other branch of the legislature, put out at nurse for the present, but intended to be recognized hereafter with all due form." Such was the tone of an animated discussion. The result was that the House amended the Senate bill by substituting an "emblematical figure of Liberty" for the presidential likeness. The Senate returned the bill thus amended, with their refusal to concur. The debate was renewed with much expression of feeling in the House, which insisted on the amendment. At length the Senate yielded. But the artists experienced much tribulation in their efforts to achieve a satisfactory "emblematical figure" of the fine abstraction which they were called upon to represent. A friendly attempt was again made to relieve them of their embarrassment by adopting the head of Columbus, which seemed commendable on the grounds of involving no political danger and being not inappro-

priate. Congress however were not to be allured from their imaginative mood, and the result, if not all that could be desired æsthetically, was at least innocuous to the State. The factitious importance bestowed upon this subject resulted in such consumption of time, that it was considered in two separate sessions of Congress before it was finally disposed of.

The recommendations of Hamilton were finally only imperfectly adopted. Coinage was made free, except when coin was simultaneously exchanged for bullion, in which case one-half of one per cent was deducted. Otherwise the English system was followed; and the only compensation obtained by government, or paid by the individual, was indirectly in the shape of interest during the period of delay between the delivery of bullion and the receipt of coin. Congress also resolved to put forth a much greater variety of coins than had been suggested by the secretary as advisable at the outset; namely, — the eagle, half-eagle, and quarter-eagle in gold; the dollar, half-dollar, quarter-dollar, dime, and half-dime, in silver; the cent and half-cent in copper. The ratio of gold to silver was established at one to fifteen; but in spite of the care with which the calculation had been made, or rather by reason of the working of new influences just coming into operation, this proportion turned out to be erroneous. By it the gold coin was much undervalued, and did not come freely into circulation.

CHAPTER XI.

MANUFACTURES AND PROTECTION.

No sooner did the adoption of the Constitution render an uniform tariff throughout the States a possibility, than the question was raised as to the policy upon which that tariff should be constructed. Should it be arranged with a sole view to the revenue to be obtained from it, and to this end provide for the imposition of such duties as would render the largest returns at the smallest charge of collection? Or should it be composed with a view to the protection of home industries and domestic products from foreign competition?

The immediate necessity of raising some ready money led to the passage of a tariff bill at the first session of Congress. It was prepared and carried through the House chiefly by Madison; and its contents, no less than the general tone of the debate in which it was discussed, showed a decided leaning towards the protective system. But this legislation was temporary, and was at the time known to be so. The permanent system of the country was left for subsequent and more leisurely development. When at last Congress felt able to give the subject due atten-

tion, it applied as usual to Hamilton to furnish information and opinions.

A topic so important and so congenial to his tastes called forth his best exertions. A series of extensive investigations conducted by every feasible kind of inquiry and research, both in foreign parts and in the United States, furnished the material for his reflections. He took abundant time to digest as well as to collect the great mass of information thus acquired, and it was not until nearly two years had elapsed since the order for the report was passed that he sent in the document to the House of Representatives. In some respects it deserves to be regarded as the ablest of all his State papers. The basis was furnished by a knowledge as wide, thorough, and practical as has ever been brought to the discussion of this vexed question. The inferences and arguments constituted as able a presentation of the protectionist theory as has ever been made. Arguments have since that era been put into new forms, and a host of fresh similes and comparisons have been suggested. But the substance of the reasoning has received no material accession, and a report to the same purport as that of Hamilton could not be written to-day which should excel the one he drew up in 1791.

It is, however, an incorrect construction of that report to regard it as a vindication of the general or abstract doctrine of protection. Hamilton was very far from assuming any such position; protection always and everywhere was not his theory; protection was not his ideal principle of commercial regulation. For example, it is altogether impossible to predicate from any thing contained in this report what would

be its writer's opinion as to the proper policy in the present circumstances of this country were he alive to-day. So far from entertaining any predilection for protection in the abstract, it would seem that in a perfect commercial world he would have expected to find free trade the prevalent custom. If the system of perfect liberty to industry and commerce were the prevailing system of nations, then each country would have the full benefit of its peculiar advantages to compensate for its peculiar disadvantages. If one nation were in a condition to supply manufactured articles on better terms than another, that other might find an abundant indemnification in a superior capacity to furnish the produce of the soil; and a free exchange, mutually beneficial, of the commodities which each was able to supply on the best terms might be carried on between them, supporting in full vigor the industry of each.

In other words, if free trade were the rule of the whole commercial world, Hamilton was not prepared to say that the United States would find it for her interest to be singular. But such were not the premisses from which he had to draw a conclusion. A quite opposite condition of things existed. The commercial relations of Great Britain to the United States then outweighed in importance to the latter country the connections which were or might become established with all the other countries of the globe, civilized and barbarian, besides. But Great Britain in those days was as far gone in the extremes of protection as she is now advanced in the contrary direction of free trade. American commerce had been taught in the colonial days to seek British channels.

The mother country and her provincial dependencies had absorbed it all. The old familiar ways were not to be exchanged for new ones, even if new ones equally good could be opened, except slowly and reluctantly. Yet ever since the peace, Great Britain by her laws and her orders in council had pursued with unrelenting vigor and consummate skill the system of commercial oppression towards this country. She seemed resolved to impoverish her revolted provinces so far as lay in her power, to make them pay commercial tribute, and to subject them to a commercial dependence so far as her ability could go; and for this purpose her ability had been proved to be very great.

Hamilton's business was to consider what it was wise for the United States to do in the actual condition of commercial affairs then prevalent in the world around them; not to consider what condition of affairs it would be desirable to establish throughout that world, or what would be wise in a different condition of things either foreign or domestic. He had a business problem to solve, not an essay to write. This end he kept strictly in view throughout his arguments and recommendations. Artificial arrangements surrounding the United States, and acting immediately and very forcibly upon them, could not be ignored by them in determining their own policy. If other nations clothed themselves in protective regulations, this new people might be compelled to adopt similar integuments. Offensive legislation abroad seemed properly to be met by defensive legislation at home. Moreover experience had already brought some opportunity for

judging. Those very obstacles thrown so vexatiously and pertinaciously in the way of our trade had themselves already contributed to furnish strong arguments in favor of the policy by which they were to be counteracted. For these embarrassments had accelerated internal improvements, and the results of the efforts of the people thus stimulated to help themselves had been eminently satisfactory.

Altogether apart from any considerations drawn from the attitude justly or wisely to be assumed by this country towards the European powers, the adoption of the principle of protection in the childhood of the republic ought, as Hamilton argued, to commend itself upon its intrinsic or domestic merits. It may be conceded without imperilling this conclusion, that there was truth in the arguments of the anti-protectionists to the effect that protection was expensive to the people at large; that industry in its natural channels would be most remunerative; that private enterprise and individual shrewdness could be most safely trusted to select and pursue all paying occupations; that any specific business could in the outset be artificially built up only at a large public cost. There is much to be said in reply to these positions, and which was very ably said by Hamilton; but this branch of the discussion goes to the general question of the soundness of the protective theory, and it is not worth while to plunge into that sea of disputation here. I say then simply that whether these positions of the anti-protectionists be answerable or unanswerable is in a measure immaterial for the purposes of Hamilton's report. Their truth, if truth they have, is not conclusive concerning the proper policy of the

United States in 1791; their truth does not show that protection of domestic manufactures, using the phrase "manufactures" in a very comprehensive sense, was an error in 1791. For these arguments only show that the people, by pursuing agriculture as their chief if not literally as their sole occupation during the first decade or generation of the republic, might have grown richer than in the same period they could have done by combining therewith protected manufacturing.

This position amounts only to saying that the protection of manufactures cost the nation a sum, possibly a large sum, of money. But this charge was distributed not unequally. It was impossible indeed so to arrange the system that it should not in its working enable a few persons to grow rich; and unquestionably these persons made their money out of the rest of their fellow-citizens. This was perhaps an unfortunate circumstance; but it was also inevitable, and comparatively speaking it was a small matter. The surplus wealth of these few people was accumulated from contributions so small that the contributing multitudes did not feel it. They did feel the whole contribution which they had to make; but a very small percentage only of that entire contribution finally assumed the form of a surplus or net profit remaining in the pocket of the manufacturer. The people at large were taxed during these earlier years in order to sustain the system of protection. Protectionists say that after a time the money comes back again ten fold, perhaps an hundred fold. This discussion again must be avoided in this place, as must also be the inquiry whether the children or grand-

children of those who pay protection taxes are or are not richer than they would have been had those taxes not been paid by their fathers and forefathers.

The descendants may be better off even if they are not richer. The price paid may have brought something else quite as valuable as hoards of gold and silver. The opponents of Hamilton's system founded their argument upon the assumption that money was the most important, valuable, and useful of all acquisitions; nay, that it was so important, so valuable, and so useful that in comparison with it all other acquisitions could be safely neglected. In so far as all material substances can be bought with money this position is undeniably true, so long as no interfering circumstance temporarily or permanently curtails in respect of some material or materials this purchasing power of money. But in a world of rivalries and wars, theories which are based upon the fundamental necessity of a permanent smoothness and harmony in the affairs of nations are rarely safe bases for important action. Surely he would not be considered to have deserved well of his country, who in the condition of the United States in 1791 should have insisted upon leaving her exposed to the commercial mercies of foreign nations, especially of England. For how long a time might she not have remained almost helpless, subject to the oppressive regulations of jealous foreign peoples; not commercial rivals only because they were unquestionably commercial superiors, yet not less extortionate in oppression than they would have been keen in rivalry.

It was not necessary that the United States them-

selves should be at war in order that they should suffer from the high prices and the interruption and precariousness of trade which a war between European powers would inevitably bring about. But consider what actually happened. In 1812 began a second contest with Great Britain. Only a period of about thirty years had elapsed since the close of the Revolutionary war; scarcely a generation: a short period in the life of a nation. During two-thirds only of that period had the principle of protection been in systematic and thorough operation. The war of 1812 was not perhaps a very brilliant success; the people prosecuted it in but a half-hearted way. Yet compare the extent of resources shown then with what had been shown before; compare especially the financial condition of the country then and her ability to help herself with the abilities which she had manifested in this respect before. The vast improvement may not be all attributable to the working of the protective tariff. A free, young country tempting immigration would have grown much in thirty years with or without artificial aid. But it is not a tenable position that, had the United States been a purely agricultural nation in 1812, she would have been so far a match for England as in fact she proved herself.

It is difficult to agree with the opponents of Hamilton, who expressed their satisfaction with the future of the United States as an agricultural country. It would have been but an imperfect growth that could have been attained under such conditions, and the nation would have been but an inconsiderable power among the powers of the world. As a producer of

breadstuffs, of cotton, of tobacco, the United States has done all that she could do. She has supplied the demand. It may be said that untrammelled by protection she would have produced at less cost, and therefore have supplied more cheaply; and by so doing would have undersold the foreign producer, and increased the demand upon herself. So she would, doubtless, had she been able all the while to make the laws for the foreign countries as well as for herself; could she have been sure that her flood of natural products would not have been dammed up by protective tariffs drawn across the entrance to foreign ports. But it was precisely the certainty that such measures would be resorted to against her, which constituted one of Hamilton's main arguments. It was obvious that if the United States sent to foreign ports all the products which were wanted or would be received there, then her growth must have stopped at that point had she no other resources to turn to. The whole manufacturing interest appears, in this point of view, to be so much clear gain to the country. In addition to which occur the very important considerations strongly urged by Hamilton of the large and steady demand for agricultural products furnished by the masses engaged in other branches of industry; a demand so far better than a foreign demand as it was more conveniently supplied, more safe from interruption or fluctuation, and almost or quite protected against competition. Moreover, immigration was the food upon which the country was to feed and to grow great, and immigrants would flock to our shores in greater numbers directly in proportion as more varied occupations were held out to them. Men do not

readily change their callings. By the pursuit which they understand they expect to gain their livelihood. In this department they have confidence in their own powers. Where there is a call for labor which they know they can furnish, they feel sure that at least they will not starve; they hope that they may prosper. But if in the new land they must assume a new character, and enter upon untried tasks for which they feel no fitness, they will not so readily make a hazardous and uninviting experiment.

The report of Hamilton determined the policy of the country. For good or for evil protection was resorted to, with the avowed purpose of encouraging domestic manufacturing as well as of raising a revenue. The doctrine, not long since unpopular, had within a few years past been making great advances in the general esteem, and with Hamilton as its advocate it secured a tolerably easy success. The principles upon which Hamilton based his tariff were not quite those of pure protection, but constituted what was known as the "American System;" a system which has been believed in by former generations with a warmth of conviction not easy to withstand. An intelligent people with shrewd business talents could hardly be so long and so thoroughly deceived as to their own practical interests, as the people of the United States must have been, if this system was, at the time and under the circumstances of its inauguration, erroneous.

Hamilton's avowed purpose was, as described in his own words, "to let the thirteen States, bound together in a great indissoluble union, concur in erecting one great system superior to the control of trans-

atlantic force or influence, and able to dictate the connection between the old and new world." This grand and bold project was then, and has since continued to be, too alluring to the American people for any party long to divert them from pursuing it. The cry against it to-day is chiefly founded upon the assertion that the end has been at last so conclusively assured that the means which led to it may at length be dispensed with. Jefferson and the anti-federalists in 1792 and afterward could not stand for an instant against the popular will in this matter. So long as they were in opposition they cried out, though quite ineffectually, against protection. So soon as they came into control of affairs they succumbed to the imperative sense of the people, and unhesitatingly persevered in the Hamiltonian system. In 1809 a Congress having a majority opposed to the political creed of Hamilton ordered his report to be reprinted. Nor did any change in party subsequently produce a change in the policy thus established. Surely, if it was from its inception a blunder so very great and so excessively injurious as its opponents represent it, the prosperity of the country under such an incubus was marvellous. A country such as ours is now can stand erect and even expand under a burden so enormous as protection is asserted to be. The circumstances for which Hamilton prepared his report no longer exist, and a greatly changed condition of business affairs, both at home and abroad, may require a corresponding alteration in our commercial policy. But that a country so young and so devoid of capital, with its existing affairs so unsettled and its prospects so uncertain, as was the case with the United States

in 1790, should have grown so rapidly and so symmetrically in spite of weighty fetters encumbering every limb is simply incredible. We must judge of the mode of rearing, from the creature developed by it. Protection was but one influence upon the growth of the United States, but it was an exceedingly powerful influence, and, had it been from the tender infancy of the nation during a period of more than three-quarters of a century in wholly injurious operation, it could hardly have failed to leave some strong unmistakable marks of mischief plainly traceable to it in distinction from any other source.

As may be supposed, protection was in direct opposition to the doctrines of anti-federalism. It was the most "paternal" conduct of which the government had yet been guilty. The Constitution was invoked, and was declared to authorize the laying of imposts only to raise the funds required to meet the necessary and lawful national outlay. Taxes laid for any other purpose were unconstitutional; above all, the expenditure of money in bounties, or other direct encouragement of any specific branch of industry, was declared to be wholly indefensible, and of course the raising of money for such purposes was equally wrong. But the first charge was too indefinite to be pushed to much advantage. Taxes must be laid, and the motives inducing the selection of articles and the rates imposed could not be reached except in the way of general invective. When the anti-federalists inveighed against the lawfulness of a tariff composed for purposes of protection, they were readily met by the reply that the tariff was composed for the purpose of revenue, and that its operation upon one or another

branch of industry had been only so far considered as to make it aid, rather than injure, the prosperity of the country, — an undeniably proper course of behavior. So the legal question was evaded, and the question whether the prosperity of the country had been correctly understood and wisely pursued was one of opinion, in which the secretary of the treasury had the great majority of the legislators and an overwhelming majority of the people with him.

As for the much mooted matter of bounties, the Constitution was declared not to restrict the expenditure of money, as the anti-federalists undertook to maintain that it did. It permitted any outlay made in order to advance the "general welfare." After all, Hamilton's scheme concerning manufactures only placed them on a par with commerce. Agriculture needed no protection. Tonnage and other duties had been provided by statute which protected the native shipping interest. It remained only to lift manufactures to the same level, in order to prevent the charge of favoritism, and to produce in the United States a symmetrical development of all the grand departments of occupation which go to employ mankind.

CHAPTER XII.

THE TREASURY MEASURES AND FEDERALISM.

THE three great measures — the funding of the public debt, the assumption of State debts, and the incorporation of the National Bank — had been conceived by Hamilton, justified by his arguments, and carried through Congress in no small degree by his strenuous endeavors and powerful influence. By their fruits his statesmanship would inevitably be judged by the people; nor can a better test be applied to-day. Fortunately their results were not such as to leave the question in any doubt; their favorable influence upon the prosperity of the country was marked and immediate. The wreck made by the storm of speculation was soon cleared away, and immediately upon every side enterprise was seen succeeding stagnation, success taking the place of failure. At length the people had a sufficient supply of trustworthy currency to enable them to conduct their business with ease and freedom. Merchants and traders in good repute were able to obtain loans on reasonable terms. The effect was instantaneous. Cities, towns, and villages started into lively growth beneath the beneficent influence. The seaports throve with increasing foreign trade in

spite of the malign influence of the commercial regulations of Great Britain, which bore with peculiar hardship upon the merchants of the United States. A commerce with India and China, lately established, was already assuming encouraging proportions. The coasting trade began to develop rapidly. Agriculture responded to the same quickening forces; the farmers found prospects so gratifying that they were tempted to extend operations. Emigration westward and the redemption of wild lands naturally ensued. Manufactures shared the general animation. Population and wealth were visibly increasing, and the cheerfulness and good-will attendant on prosperity made the secretary and his policy so popular among the people at large that he could well afford for the time to endure without disquietude the loud outcries of angry politicians.

The national finances experienced the benefit of such a condition of things. Increasing business brought increasing revenues, and improving profits caused the taxes to be paid without grumbling. Indeed the people hardly felt the burden of taxation, and a skilfully devised and well-managed system produced punctual payment, accompanied with much better feeling than had attended the habitual neglect of payment prevailing under the old and mischievous State customs-laws. European nations had watched with no little interest the success of the new experiment. Their early incredulity quickly gave way before the spectacle displayed to their observation. Unequivocal tokens of confidence, respect, and friendship, equally gratifying and novel, were manifested. "All my accounts from Europe," wrote

Hamilton to Washington, "both private and official, concur in proving that the impressions now entertained of our government and its affairs, throughout that quarter of the globe, are of a nature the most flattering and pleasing." European statesmen were able critics and European capitalists were shrewd judges in such matters.

The statements of Hamilton's letter, reiterated in many quarters and corroborated by many other indications, are well borne out by two facts occurring not far from this time. Congress had authorized the raising of a foreign loan, in accordance with the advice of Hamilton. On February 15, 1791, the subscription list was opened in Holland for a loan of two and one-half millions of florins. In two hours the whole sum had been taken, and that too upon terms better than could be made by any European power with the exception of a single one. Since the peace, Great Britain had treated the United States with that offensive insolence which marks her behavior in most cases where fear or self-interest do not compel her to civility. In every respect in her power she had been as arrogant and as injurious as possible. No sooner did she see a strong government established, national prosperity rapidly advancing, and unmistakable indications of power and wealth at hand for the new people, than she began to overcome her prejudices, to forget her hostility, to bury the painful past, and to make up her mind that she might as well establish friendly diplomatic relations and send a minister across the Atlantic. It was a humiliation, but the Court of St. James decided to suffer it; and Mr. Hammond was accredited as the first resident

diplomatic representative of Great Britain in this country.

The credit for this condition of things was given by the people almost exclusively to Hamilton, who seemed to his alarmed opponents to be about to overshadow the whole administration, and to draw all real power within his own potent grasp. So far did the anti-federalists carry their dread of the influence thus acquired by him in the performance of his numerous and interesting public duties, that in the second Congress they sought to sap it indirectly by checking the flood of references to him, and even keeping from him certain important subjects naturally belonging in the treasury domain. The most striking example of this conduct was seen in the strenuous effort, which was headed by the Virginians, to prevent the question of ways and means from being referred to Hamilton for a report by him thereon. An obstinate opposition was based substantially upon a very singular line of argument, being little else indeed than that the right of originating money bills rested with the House of Representatives and was incommunicable, but that the opinion of the secretary of the treasury had such weight with the House as to destroy the independence of the majority of the members. The Federalists, it was declared, might honestly believe that they were impelled by the reason of the case, but in fact they always must and would be utterly subservient to Hamilton's advice. The argument was a strange one to address to the House, being little less than an appeal to it to make its own mental and moral imbecility the basis of its important action. The intensity of the animosity

towards Hamilton, which led to so extraordinary a tribute to his superiority, may be imagined. It is hardly needful to say that the ill-advised attempt, grounded upon so singular an inducement, met its natural result in a gross failure.

Yet it was not unnatural that persons who distrusted the wisdom of the course in which Hamilton was treading should be terrified at the spirit, which must have seemed to them almost that of obedience, in which a majority in Congress had been accepting his reports upon a multitude of the gravest subjects. Though it is obvious that, if his advice was really wise, the adoption of it signified nothing in the nature of obedience on the part of the legislators to an omnipotent influence exercised by him. On the other hand, it would have been a painful exhibition of weakness and folly had any of his measures, founded on sound reason and supported by unanswerable arguments, been rejected simply to avoid an appearance of political or intellectual servility. The simple truth was that Hamilton in his reports to the first two Congresses was dealing in perfect good faith with matters of which he was fully a master. The natural bent of his genius aided his extensive research and untiring industry. His intentions were perfectly patriotic and honest, It was a natural result that his suggestions carried conviction.

Apart from the broad general policy of which each one of his measures was but a single item among many, and which shall be discussed forthwith, the experience of years has approved the excellence of the machinery which he constructed. Great and rapid as has been the growth of the nation, the sys-

tems which he established, which in no small degree he actually originated, have shown a power of expansion and adaptation deserving to be called wonderful. The Treasury service and the Revenue service, with only such modifications as time brings about in all human affairs, are substantially the same which he devised, and if attended with honesty and efficiency in execution they are believed to be inferior to none in the world. So long as Hamilton remained in executive control of the department, neither honesty nor efficiency were wanting. He was too keen a man of the world to repose over-much faith in the integrity of numerous officials; too just to overtax their powers of resisting temptation. His own belief in thorough and abundant checks was manifested whenever occasion offered. As the spirit of the leader is said to animate the host, he took good care that industry, promptitude, regularity, and accuracy should distinguish his subordinates. He held every one to the full and strict performance of his individual duty. Yet he was liberal in acknowledging merit, and not greedy of assuming all the glory as well as the power to himself. When the death of Mr. Eveleigh left the comptrollership of the treasury vacant, Hamilton wrote to Washington strongly recommending the promotion of the auditor, Oliver Wolcott, to the vacant place. "I think," he said, "that many persons will urge upon you the names of their several friends and none perhaps will mention him; but I ought to say that I owe to him much of whatever success may have attended the merely executive operations of the department."

The several great measures which have been

passed in review constitute the chief part of what may be called the organizing and characterizing legislation of the new government. In the former of these two aspects, as achievements in the way of organization simply, they command admiration. Statesmen have grown famous in history without accomplishing any thing so difficult as the initiation and complete arrangement of a revenue system for a commercial nation, the reduction of order and solvency out of such a desperate financial chaos as existed in the United States in 1790, the incorporation of a National Bank amid the ignorance and prejudice in spite of which the Bank of the United States came into successful operation, the composition and vindication of a protective tariff. Success in all these and many other arduous labors had been brought about by Hamilton, not from a well-prepared basis for his operations, but out of a mass of impediments and difficulties. He had not to write out his scheme upon fresh tablets, which would have been an exacting task enough; but upon tablets which were scrawled and battered all over with the marks of many struggles, many defeats, and infinite consequent ill-temper he was compelled first to restore a surface capable of receiving new and wise impressions, and then to make the impressions themselves.

As has been already remarked, the extent of Hamilton's functions was by no means narrowly construed, and pretty much every thing which it was possible to refer to him was so disposed of. Of the ability and thoroughness with which his manifold labors were performed there was no question made at the time, and the lapse of years has proved the verdict of appro-

bation, then rendered, to have been amply deserved. The good or bad policy of his measures was a different matter, to be determined upon a consideration of the wisdom of the ends which those measures were intended to accomplish. But that the measures themselves, regarded as intellectual productions and as means towards the ends held in view by their framer, could not have been surpassed was admitted upon all sides. Indeed, the old objection which had been made to Hamilton in the New York convention was now again renewed. He was declared to overshadow too much his rivals and contemporaries in ability. Those who thought with him were called the victims of his wonderful powers; those who opposed him were said to be unable to compel even the right cause to triumph, because they were so unequal to a contest with him.

But an exceptional and a peculiarly trying ordeal must be passed by these measures ere they can be fully approved. Not alone the skill with which they were devised, or the ability with which they were brought into operation, but the statesmanship which they involved must be considered; and this last is far the most important question which has to be decided. When a minister steps into his position in the due order of succession, with a long array of traditions and precedents behind him to aid his judgment, it is comparatively easy for him to move forward. The long road stretching behind him shows the course upon which the nation is travelling; he must circumvent the particular obstacles which may occur in his portion of the path in the best way in which he can, and his success in doing so can be determined at

least after the lapse of a little time, and in the majority of cases with a gratifying approximation to unanimity. But these measures of Hamilton as they presented unwonted difficulties in the matter of original determination therefore require more careful examination before the rendition of judgment upon them, and entitle him to proportionally greater glory in the event of approval. He had not to push forward upon a road of which the general direction had been already settled; he had to survey the prospect and decide upon the direction and then to initiate the national motion in that direction. No one of the foregoing measures can be passed upon simply in the light of its sufficiency as a working engine, of the perfection of its parts or their adaptability to secure immediate practical ends. Each one of them had a direct and powerful political bearing. Together they performed the chief part in determining the destiny of the country. They were not simply convenient executive arrangements; they were very potent influences, controlling the future of the United States. They did not simply constitute the policy of an administration leaving effects either short-lived or quickly merged amid a mass of new forces and fresh interests. They gave to the national government the character which it was to sustain and develop, as must now be believed, so long as it shall continue to exist. It is obvious therefore that they deserve the peculiar description of characterizing measures, and that as such they enjoy an exceptional importance and demand an especial discussion.

By the time that these measures had all been dis-

eussed, and decisions concerning them respectively had been reached or assured, party lines had become very clearly drawn, party discipline had become very thorough, and party feeling was running very high; and it was with reference to these questions that these party distinctions had been established. No other topics of a character to divide the people into permanent parties had arisen. A sharp discussion concerning slavery and the slave trade had been provoked by the presentation of certain anti-slavery memorials from the Quakers of Pennsylvania and other quarters. Much harsh language had been used and some displays of anger had occurred, but the gust had subsided and had given way to perfect tranquillity. The debates as to the location of the national capital had excited much personal feeling and developed many jarring interests. But there was no material in this selfish dispute out of which to create great and permanent political parties. It was the measures of the secretary of the treasury alone which dealt with such subjects, suggested such schemes, and inaugurated such systems as to form a sufficient, natural, inevitable source of serious and lasting discordance of opinion.

The same two parties which had divided the country upon the question of the adoption of the Constitution now again divided it. The achievement of that adoption had been only a great victory won early in a long war. The substantial point which had been involved in that earlier issue still survived, and was not yet definitively decided beyond the hope or the danger of reversal. The question then had been whether there should be a strong, centralized, national

government, and the same question was still an open one. The first stage of the contest only had been passed when the Constitution was adopted; the first stricken field only had then been lost by the opponents of such a government. A second stage was reached when Washington was inaugurated, and a very different species of conflict was thereafter for a time to be waged; a conflict long and dubious, and of so indefinite and general a character that it could not be solved shortly, sharply, decisively, like the former. By those acts of adoption and inauguration a national government became an existence in the country; but it was still possible to make consolidation a form, to render this government a nerveless absurdity as impotent for either good or harm as the anti-constitution party conceived that the central government should be. Hamilton's measures therefore were not so much the *cause* of difference as they were the subject-matter concerning which pre-existing differences must become re-invigorated.

This condition of things was as obvious to the actors in the midst of events as it is to us, who look back and survey the whole field and know the results as well as the occurrences. George Cabot, a prominent Federalist in Massachusetts, plainly expressed what all the statesmen of his party felt, when in 1790 he wrote: "I never considered the National Government as being more than half established by the nominal acceptance of the form. To take from our newspapers the metaphor they have used, it was an arch: but to me, the key-stone was wanting. The actual exercise of certain powers, to the exclusion of the States, would be finishing the work. Till this

takes place I cannot think the country completely safe from the danger of disunion, and consequently anarchy and wretchedness."

The emasculation of the new government could be accomplished by either of two methods. The most obvious of these was to render the first administration so unpopular and unsatisfactory in its working and results, that the experiment would be declared a failure and the Constitution would be repudiated. But there were grave objections to the means which it would have been necessary to employ in order to compass this end. To have assumed the function of obstructionists, to have put themselves in the position in which they could be charged before the people with wilfully and maliciously preventing the fair trial of the new scheme, would have been ill policy in the leaders of the opposition party. They would cast the popular sympathy upon the side of those who appeared to be unjustly thwarted and vexatiously stayed in their honest endeavors to enter upon the undertaking which the people had sanctioned. The trial must be made: even the anti-federalists were obliged to recognize this fact, and to see the folly of rendering that trial an imperfect and therefore an inconclusive one. So in the beginning it was alleged that it was not the policy of the opponents of the Constitution to throw needless obstacles in the way of its operation.

The second and far more feasible process by which the new government could be reduced to a satisfactory condition of imbecility was by the curtailment of the powers and functions pertaining to it under the Constitution. In doing this, an appearance of

good faith, even of respect and regard for the new Constitution, could be easily assumed. A very wide field of operations was presented, and the dangerous results of a victory of the party of disorder were far from being so obvious or so immediate. The tactics of the anti-federalists were therefore to act strictly under the letter of the Constitution, to profess perfect obedience to its mandates — indeed rather to magnify the reverence due to it — but always to apply to it the most rigid construction which its phraseology would permit. No word or sentence was to be taken to mean any more than it absolutely must mean, or to imply or involve any thing whatsoever beyond its naked force.

Of course the Federalists entered upon precisely the opposite undertaking. They might almost be said by their strenuous and resolute exertions to have forced upon a reluctant, sceptical people the adoption of a Constitution under which an efficient government was possible. A scheme grounded in such faith, and initiated by such labor, was naturally too great a favorite with its projectors to be readily allowed by them to become by an insidious process at once corrupted and useless. It was their firm intention that the new government should be such as should vindicate them, its sponsors, in the eyes of the world. Any power desirable for its success they hoped to find in the Constitution, and they would investigate that instrument keenly before they would acknowledge any serious omission. Their purpose was to give to the government as many powers as a fairly liberal construction of the Constitution would permit; with the anti-federalists, the

purpose was to give to the government only those powers which under a very strict construction of that document it was utterly impossible to refuse. In these new lines of battle, the old antagonists found themselves for the most part facing each other in familiar hostility. Few changes on the part of individuals resulted from the change of ground. The most noteworthy was the crossing over of Madison to the party in opposition. Side by side with Hamilton he had fought the hard fight for the Constitution, but as has been seen in the first two Congresses many, though not quite all, of the measures of the secretary of the treasury encountered the persistent opposition of his old friend and colleague. The breach which was opened somewhat slowly, and at first not unkindly, between Madison and the Federalists was widened by degrees, until he became an acknowledged chief in the opposite ranks. Perhaps Madison acted from conviction in this matter; but he is not altogether free from a suspicion of interested motives. He had strong political ambition, and was desirous of continuing permanently in public life. His first effort to do so after the adoption of the Constitution taught him a lesson which subsequent events confirmed. Virginia was ruled by the anti-federal party, and no person of any other political creed could hope for success in that State. The opposition which was soon organized against Hamilton found its chief strength and most valued leaders there. Jefferson, Monroe, Giles, Randolph, Madison, all Virginians, seemed to form what might almost be called a cabal against the secretary of the treasury, and their fellow-citizens heartily espoused their cause. Had

Madison stood aloof from this connection, his prospects of a public career would have been quite hopelessly dashed.

Anti-federalism still finds its defenders, though not under this name have the sentiments of the party of Jefferson and Madison been since asserted. The title was always offensive to them, and they hastened to repudiate it and to adopt another with the best speed they could. They declared that their opponents had wrongfully usurped a popular name in calling themselves Federalists, for that the new Constitution did not establish a federal form of government, but one much too consolidated and centralized to deserve that description. They claimed themselves to be the advocates of the true federal theory, which correctly implied a league much less closely bound together, and conferring much more restricted powers upon the central sovereignty. Whatever may have been the merits of this linguistic dispute, the practical success rested with the friends of the new Constitution. Federalists they called themselves, and Federalists they continued to be called by others, until the shifting of the grounds of party division made the designation no longer significant or useful. Their opponents, unable to dispossess them of the appellation, and by no means fancying the negative and unpopular name of anti-federalists, adopted during Washington's first administration the title of Republicans. But their enemies called them Democrats; and this term was soon in as frequent use as the other. Certainly "Republican" was as much a misnomer as was "Federalist." The government which the Federalists were establishing was a

republic; and it was because it was a republic that it did not commend itself to men who avowed that they wished to see only a federal league. The objection to the republic and the preference for the league grew out of the superior degree of power lodged in the central government under the former system. Naturally when the system had become an established fact, and the league was no longer practicable, the persons who objected to the centralization of power continued to seek the curtailment of that power by the best means that came to hand. In pursuing this object they fell into the doctrines of a nearly pure democracy. The United States is to-day a republic, both in form and in spirit, because the Federal party first created the form in the Constitution, and then, remaining in control during the three first administrations, construed the Constitution, and inspired into the form a spirit which has never since been withdrawn. Had anti-federalism prevailed in the earlier stage, the form itself of a republic would have been wanting, and have been supplied by a league. Had anti-federalism prevailed in the second stage, the form of a republic would have been animated by the uncongenial spirit of a democracy. It appears, therefore, that by a strictly appropriate use of terms the so-called Federal party, before the adoption of the Constitution, should have been named "Republicans," and the anti-federalists should have been called Federalists; but after the Constitution went into effect, the former party should have retained the name of Republican, and their opponents should have been known, as in time they came to be, by the designation of "Democrats." The lax use of

language is quite misleading until it is fully explained.

It is natural that a party which had for its leaders such men as Jefferson and Madison, which came into power at the close of the twelfth year of the existence of the United States and remained in the control of affairs until the old party lines had become obliterated and been succeeded by new distinctions, should divide with its opponents the allegiance of historians and of posterity. Yet the comparison between the two has never been fairly made. When Republicanism came to the fore and Jefferson was made president, disappointing Mr. Adams of his second term, the triumph was won upon a fresh battle-ground. New questions had superseded the original causes of difference. The old division of parties was indeed in some degree preserved upon these new questions. The men who formed the nucleus of the Federal party in 1789 were still Federalists in 1801, and the anti-federalists of 1789 were the Republicans of 1801. But the discussion is of measures, not of men. The political problems of 1801 were not those of 1789, but a widely different set. It is not now in place to discuss the merits of Federalism or of Republicanism in 1801; that controversy will be reached in due time. But for the present it should be clearly understood that entirely distinct issues demand our judgment. Those who may take Republican views in 1801 may take Federal views during the preceding years without inconsistency, — as indeed many persons did, or the majority of votes in the country would not have undergone so decided a shifting.

The matters which had to be settled under General Washington had been finally settled and disposed of before Mr. Jefferson came to the exercise of the presidential functions. At the latter period it was no longer an open controversy whether the national government was to be strong or weak; whether it was to exercise liberally extended or jealously limited powers; whether the Constitution was to receive a generous or a niggard interpretation. The government was firmly established, and working at once forcibly and smoothly; its principal powers had been claimed, assumed, developed, exercised. The Constitution had in its most important and dubious parts received a construction never to be reversed. Mr. Jefferson stepped into the midst of an established order of things, and it is fortunate for the country, as it is creditable to himself, that he made no great amount of disturbance in that order. When the power was in his own hands, he was no more anxious in his heart to curtail it than most holders of power have been. He manifested no uncontrollable tendency to degrade the position which he himself filled. He could still talk and write in his lavish, irresponsible fashion; but in stern practice he was amenable to circumstances, and forgot his abstractions and speculative dogmas in a very commendable manner. During the many years in which his party were in power, they could, had they chosen to set about the business with a persistent, laborious temper, have undone nearly or quite all the achievements of their predecessors. Yet they were content to make few serious or permanent changes in the structure of the government. Wherefore it is fair to say that, if Federalism under Wash-

ington was wrong, Republicanism under Jefferson and Madison was at least content to allow the errors to survive.

The question whether Federalism was right or wrong under Washington's administrations, more especially under his first administration when the measures which have been narrated took place, is simply a question whether it was well to have a strong or a weak central government, — one having many powers, or one having few; one having large authority, or one having narrow; one containing in itself potentialities equivalent to probable emergencies, or one likely to prove helpless in times of trial; one having many points of contact and influence in respect of the governed individuals, or one having very few avenues for reaching the love, respect, and obedience of its subjects. It ought not to be difficult to answer such an interrogatory. At least it is worth while to reflect that to defend the anti-federalism of those days is to charge the United States with being in no small degree a failure. For the history of the country shows that the strength, the centralization, the consolidation conferred by Federalism upon the national government has been not only fully maintained without long-continued or serious interruption to the present day, but that as the result of the action of that period these characteristics have since then been largely developed. It is impossible to say that the administration to-day is not vastly more powerful, more far-reaching, more close to the individual, in the habitual exercise of a far greater number of functions, more accustomed to assume control of business affairs and matters of detail than the most zealous Federalist

in the last century would have thought possible. Yet the government has not been found dangerously strong, nor is it yet believed to be verging upon despotism.

The vehemence with which the doctrine of implied and resulting powers set forth by Hamilton was attacked at the time was quite natural; for certainly the Constitution could be read in either of two ways, and the character of the government was still to be determined. But what is to be thought of historical writers of the present day, who, in the laudation of Hamilton's leading opponents, do not hesitate to assert that he was in error in the promulgation of his great political creed? What small proportions do the implied and resulting powers claimed by him bear to those claimed and exercised by the government during the civil war? How simple and natural do the assumptions of authority which he justified appear beside the assumptions which have lately occurred, have been defended and approved by the nation, and have passed into precedent! What would a Federalist of 1790 have thought of Mr. Whiting's famous work upon the "War Powers under the Constitution"? Perchance he might have been pleased with it. Doubtless Hamilton's strong mind and vigorous temper would have adopted joyously a doctrine of authority so adequate to a vital emergency. But what prospect would he have foreseen of the patient submission of the people to any such views! Surely those who are disposed to defend the administration of Mr. Lincoln cannot assail with any consistency the policy which controlled the administrations of Washington. Those who remem-

ber the terrors of 1861, who appreciate in what difficulties the government stood by reason of constitutional restrictions and legal doubts, will surely not say that the government was too strong, or too consolidated, or too centralized. That a national government endured so long, that it was able to last until it had gradually obtained such cohesion, and had so founded itself in the affection of the people as to be able to resist a powerful attempt at disruption, is due to the success of Federalism in the early days of the republic. It would have been but a sickly child that anti-federalism would have nursed. Slender powers and a feeble vitality would have attracted rather contempt than love. Had life survived until 1861 there would have been nothing more than mere life, no power of exertion, no force to enter into a terrible contest for life and death. The people would have seen nothing worth fighting for, as they would have had no government fit to fight under. The comparative merits of Federalism and of anti-federalism have never been passed upon by the people, like the principle of secession, and so perpetually determined. But surely the subsequent history of the United States is the vindication of Federalism; that is to say, of early Federalism, of Federalism under Washington, of Federalism at that period when the party divisions were drawn upon constitutional questions. What was then the Federalist theory has continued ever since to be the theory of the government of the United States. It has been developed and carried to a degree of extension vastly greater than was contemplated in those earlier days. Under its influence whatever of power and prosperity belongs to the

country has been achieved. By the aid of its operation the nation has gone through a struggle in which otherwise the national government must, humanly speaking, have succumbed. The very existence of the national government to-day, in its power and its efficiency, in its influence and its foundation in the hearts of its subjects, is the monument as it is chiefly the result of the early doctrines of Federalism.

It is perhaps just to say that the defence of Federalism is not fully made out by the preceding arguments, even if their truth be admitted; that it is not sufficient vindication to show that the Federalists developed an admirable frame of government. The question remains, Could they honestly do so? The Constitution was the law of the land, which Federalists no less than all others were bound to obey. No party had the lawful right to present to the people any other government than that which the Constitution provided. This was the anti-federalist argument. They said that the Constitution was being perverted and foreign matter introduced into it. Yet, if two constructions were possible, surely any person was at liberty to adopt either he might see fit; and can any judge pretend to say that two constructions were not possible in view of the number of intelligent and honest men who divided upon the subject?

"There are some things," said Hamilton, "which the government has clearly a right to do. There are others it clearly has no right to meddle with; and there is a good deal of middle ground; some of this may have been occupied by the National Legislature. But this is no evidence of a desire to get rid of

limitations in the Constitution." Certainly in nearly ninety years the people of the United States, though enjoying ample opportunity, have never manifested any desire that the government should recede from any of the "middle ground" occupied by it in the last century.

The constitutionality of Federalism, the soundness of federal constructions, have been declared in many decisions by the Supreme Court of the United States at times when the bench has been marked by that degree of learning and integrity which must cause its decisions to inspire respect through all subsequent generations. Whatever else may be said of these opinions, one fact at least they must be acknowledged to establish, — that the Constitution, regarded simply as a legal document, criticised by master-critics in the construction of such instruments, is perfectly capable of meaning what the Federalists said it meant. This would settle the ethical discussion, for if it could mean what they wished it to mean they were justified in arguing that such was a proper construction. If it could mean what both parties, differing from each other, said that it did, then the option between the two constructions was matter of politics or statesmanship, and as such was necessarily referable in the last instance to the supreme will of the people. So long as the people persisted in electing gentlemen of Federalist views, it was not only the right but the duty of the government to believe that Federalist views were the views of the people; that of the two possible constructions the Federalist construction was that which the people were pleased to adopt. It could not be otherwise.

Fedcralist congressmen would have been unfaithful to their trust and to their constituents, had they voted otherwise than for Federalist measures. Executive officers, members of the cabinet, were bound to read the will of the people by the only sure signs which could be given of that will. If the people chose to have the Constitution construed liberally — not changed, but simply read largely instead of closely — surely they were entitled to have it so.

The sectional aspect which the party divisions assumed was the forerunner of the great sundering which was developed seventy years later. Under Washington the South is already found arrayed against the Northern and Middle States. It was the financial measures of the government which caused this separation in the earlier years of the republic. A debate concerning slavery, occurring in the first Congress, had caused a passing flurry of ill-feeling, which however left no permanent effects behind it. Indeed, at this period there were only two States in the Union in which no slaves were to be found, and the numbers in Connecticut, New York, New Jersey, and Pennsylvania were not inconsiderable.[1] But the business and money interests of the different portions of the country were not easily to be reconciled. The planters of the South were all in debt, most of them very deeply so. Their creditors were chiefly in Great Britain, and though the treaty of peace had stipulated that no obstacles should be thrown in the way

[1] The census taken immediately after the adoption of the Constitution showed that in Maine and Massachusetts there were no slaves, while in New York there were 21,324, and in New Jersey there were 11,423. In Connecticut there were 2,764, and in Pennsylvania 3,737.

of the due collection of these debts by the ordinary processes of the law, yet the State legislatures had persistently ignored this provision, and the southern debtor had been for many years quite successful in keeping his foreign creditor at arm's length. The strength and system which the new government developed alarmed the planter. Especially he disliked to see the principle of paying old debts recognized and acted upon by the nation. The government appeared to be setting an evil example, and giving a dangerous tone to public opinion. A bad spirit seemed to him to be abroad. His own settling-day might be expected to come, and a machinery was seen to be framing, backed by an ample power to keep it in effective operation, which might be too strong to be evaded by him.

There was no class in the South which was much interested to encounter these views. The influence naturally exercised by the great lords of the soil was counterbalanced by no influence of a moneyed class. The prominent men were all debtors. They owned lands and slaves, but no money; there was not a capitalist among them. Only an inconsiderable proportion of the public debt was held at the South, and this was scattered in small quantities among persons who were only too ready to part with it for the most inadequate prices to northern purchasers. Consequently the schemes for funding and honestly paying the debt appealed but feebly to the selfish element in the breasts of the southerners. There were few to profit by the workings of Hamilton's great measures. On the contrary the taxes which he proposed to levy bore very hardly upon them; for they were large

consumers, and all their payments had to be made directly or indirectly in the shape of produce. This system of taxation was for them little else than an ingenious and offensive arrangement for diminishing the purchasing power of the only articles in their hands with which they could purchase. It was substantially equivalent in its effect to the confiscation of so many acres, the killing of so many slaves. So the strong sense of self-interest, working along many lines, caused the dominant class in society at the South to contemplate Hamilton's system with any feeling save that of satisfaction.

In the middle and northern States a different condition of things produced a contrary result. There dwelt the holders of the certificates of the public debt, an influential body, some of them of course liable to be justly stigmatized by the odious name of speculators, but by necessity holding or representing no inconsiderable amount of domestic capital. There also was the mercantile community; and though the merchants engaged in foreign trade had to pay the duties in the first instance, yet they understood well enough that this element of additional cost came out of the consumers in good season. Moreover trade became brisk and its profits appeared gratifying, so that persons engaged in it could not but feel content with the actual state of things without pausing to discuss causes and probabilities. The doctrine of protection was especially favorable to the North, where were both the disposition and, by the aid of the Bank, the capital to undertake the industrial enterprises which it favored. Yet it is noteworthy that some items in the tariff which were protective

of agrieultural industry, as cordage and hemp for instanee, were warmly defended by Madison against the opposition of the shipping interest. The Bank of course was chiefly valuable to the middle and northern States, where its capital was wanted and could be employed in the ordinary channels of business, and could be borrowed upon the eustomary kinds of seeurity. The planters would have liked their share of the capital well enough, but it was quite beyond their reach. From beneath their debts and mortgages they could not offer the neeessary inducements.

The country as a whole derived great benefit from Hamilton's measures, and the South, as being a part of the whole, had some share in the benefit. But it was not an immediate, obvious share. On the other hand the share of the North was so direet, visible, and tangible, that it seemed to be and perhaps really was an inordinate proportion. In the nature of things this could not be helped: an equalization of advantages was an impossibility. The southerners ean hardly be blamed if, instead of being altogether philosophical, they indulged in some discontent, in some grumbling against the sehemes which enriched their neighbors and appeared even to impoverish themselves. It was not to be expeeted that admirers of Hamilton should be numerous among the planters; and in truth they were not so.

But through the north and east his praises resounded. Throughout this great area there were plenty and aetivity, the direet result of his management of the national affairs. Many persons had aecumulated considerable sums, but the money whieh they had gath-

ered did not seem to have been taken from their neighbors. Business was flourishing; every one seemed to be able to pursue his calling at a profit, and men who needed money and credit for their schemes were now, for the first time since the country was settled, able to get real money and credit in sufficiency. Such a state of affairs naturally produced an immense popularity, trust and admiration moving towards the man to whose skill and energy the halcyon condition of things seemed to be due. It was the better classes who constituted Hamilton's most enthusiastic following. It was men who were competent to conduct independent business who chiefly derived benefit from what he did. It required some capacity for thinking in order to understand the various branches of his elaborate system. Accordingly it was the professional men and the great mass of merchants and the growing body of manufacturers who preëminently put their faith in him. Seldom has a political leader had at his back a finer army of implicit believers than this which included the overwhelming bulk of the intelligence, the cultivation, the thought, the enterprise, the industry, and the wealth of the middle and northern portions of the United States.

Indeed the importance of the position which Hamilton filled at this time cannot be exaggerated. To say that he had to deal with grave and novel emergencies is very far from describing the character or grandeur of the political movement which he inaugurated during the early years of the republic. What was then done by the Federal party was done by it chiefly under the direction of Hamilton. He devised its measures. Not a single great scheme of a general nature, not

simply organizing but *characterizing* in its functions, was carried through in the first three years after the republic began, of which he was not in chief part the author. It was his policy which excited the wrath of the anti-federalists, his policy which the Federalists combined to make successful. Nor was the federal policy only conceived by him, but it also owed its success in good part to his arguments and to his zeal. If the achievements of the party involved that vital usefulness to the country which has been claimed for them, then the debt of gratitude which the United States owes to Hamilton may be easily measured.

Hamilton's position as the chief of his party was not less plainly proved by the animosity of his opponents than by the admiration of his followers. The anti-federalists assailed him with a flattering intensity of wrath into which there was unfortunately imported at an early day a bitter personal rancor. For as he moved from success to success, he did not win his frequent victories easily and naturally by the overwhelming force of numbers. The Federalists had not a large nor what is called a sure working majority. They were apt to carry the day after a hard and doubtful struggle, by a small preponderance of votes. The anti-federalists were continually expecting triumph, continually seeing it snatched from their grasp by the persistence, the energy, or the strategy of their provokingly invincible foe. In truth it was asking too much of the anti-federalists to require them to preserve their equanimity in 1790–91. Something more than ordinary party measures were then in progress. The errors, if errors they were, which were then making were

fundamental in character, permanent in effect; might fairly be regarded by those opposed to them as actually fatal to the country. Seldom has party spirit run so high as in those days; never certainly has greater acrimony been shown towards individuals. Much of what is still to be written concerning the remainder of Hamilton's term of office is the narrative of a relentless and an unprincipled persecution, such as is possible only when the partisan temper has got the better of every more respectable sentiment.

The assaults upon Hamilton were, perhaps, the more vehement and bitter because they constituted the only safety-valve for another feeling which had to be carefully suppressed. The opponents of his policy were unable to ignore the fact that that policy was approved by Washington. There was no question that the chief Federalist measures had commanded not only the assent but the hearty sympathy of the president. Even as to the Bank charter, the grounds of his doubt were understood to have no reference to the wisdom of the measure, but only to the question of constitutionality. Yet it was utter folly to assail Washington; and an administration which could only be struck at through him was entrenched behind a barrier little less than impregnable. If the revered president was indeed the leader of the Federal party, then the anti-federalists might as well rest quiet until the withdrawal of his august protection should render their foes more vulnerable. Washington, however, was not the leader of the Federalists; nor could any thing have been more painful to him than to have been regarded in the light of a partisan, however distinguished. All the

dignity and evenness of his lofty character were ceaselessly exerted to prevent so much as the semblance of any such character attaching to him. He could not, of course, help forming opinions as to disputed measures and conflicting policies; in divesting himself of partiality he was far from divesting himself of understanding. On the contrary, his greatest effort was to understand every topic as thoroughly as possible. Never did man strive more conscientiously and untiringly to achieve a complete mastery over the affairs which fell within his department. Of course he arrived at conclusions, clear and strong; and unquestionably these conclusions were consonant with the policy which was at the time triumphant in Congress. But Washington, while he was President of the United States, never shared in the partisanship of politics; and with special scrupulousness did he refrain from any such action during his first term. He would not originate measures; he would not push them by his influence; he would show no favoritism. His effort in forming his cabinet was to bring together the ablest men and most prominent representatives of public opinion, without very careful regard to their probable agreement with each other. The idea of forming an administration which should represent the whole nation was a noble one, and the experiment was worth trying. At no other time surely could it have been tried with better hopes of success than at the birth of a new nation, with no issues made up, no parties formed, no traditional hostilities established, no personal antipathies excited, and Washington in the chief place. He brought the composite cabinet to a length of days altogether astonishing,

and held it together in effective working order long after rupture seemed inevitable. The same spirit entered into all his dealings with the two parties. Personally he long maintained friendly relations with the best men of every variety of opinion, and consulted them all alike.

Yet though Washington cannot be called a party man, still he unquestionably believed in the principles and measures of a party. The Federalist policy, in the main, commended itself to him; the Federalist theory of government seemed to him sound; the Federalist construction of the Constitution seemed to him wise; the chief Federalist bills generally had his hearty as well as his formal assent. It was impossible that the predilections of a man in his position should be concealed; the people knew what he thought of one and another of the great projects which divided congressional and popular opinion; and his weight lying generally in the Federalist scale was sensibly felt.

Irritation which cannot vent itself upon its direct object is wont to empty itself with increased acrimony upon some unfortunate substitute. Thus it happened in this case that Hamilton was obliged to endure assaults which, under slightly different circumstances, might have been made directly against Washington. Later they sometimes were thus made. But at first Hamilton did double duty, receiving the castigation which should have fallen upon his chief, as well as that which belonged appropriately to himself. During his first term Washington was as incapable of doing wrong as the well known maxim of British polity declares the king to be. But his adviser could

err. The Republicans regarded Hamilton somewhat in the light in which the popular party in the reign of Charles I. regarded Strafford. He was a man of diabolical genius, a man not easily to be coped with even by the ablest mortals of his generation, a man bent upon doing infinite mischief, and having a mind and temper to secure success. Hamilton had his scheme of "Thorough," as well as the great earl. He was supposed to have obtained a complete mastery over the understanding of Washington. The persuasive rhetoric and subtle logic of the secretary were declared to have completely enmeshed the plain and simple intellect of the president. Washington quite clearly comprehended this not very flattering excuse which covert enemies found for the conduct of the man whom they dared not blame, and expressed his indignation with unusual asperity of language. In truth the aspersion was unfair. The most marked trait of Washington's mind was its judicial power. His course was one constant hearing of arguments from the leading men upon both sides; and he always sought and used such assistance with a singularly unbiassed mind and clear comprehension. The decision which he arrived at was his own firm conviction based on arguments altogether satisfactory to his intellect. It was unfair, therefore, when he listened with equal attention to the expositions of Madison and Jefferson, to charge him with being under the influence of Hamilton. It was Hamilton's arguments which persuaded him more frequently than those of any other statesmen of the day. One person may say that it was because Hamilton advocated right principles; another may say that it was because

Hamilton advocated wrong principles with such invincible cleverness; others may see in the constitution of Washington's mind and character those traits which would naturally lead him to take views concerning government and politics similar to those so attractive to Hamilton. Be any one of these solutions correct, certain it is that to Hamilton's policy and measures must be accorded such support and corroboration as they can acquire from the deliberate and nearly unvarying adherence and sympathy of Washington. Not that this is mentioned to gain additional credit or currency for doctrines by the indorsement of a strong name. The doctrines must stand or fall upon their own intrinsic merits; must be judged, whether for approval or condemnation, by their purposes and results, and to no other test is there any intention of bringing them. Only, in mentioning the division of parties and the allegiance of distinguished men, the position of Washington is of principal importance.

The opposition to Hamilton personally began early. The bill for a loan, introduced into the first Congress according to his advice, empowered him to negotiate for the money, as every one knew that in fact he must conduct the negotiation. Yet an amendment was insisted upon whereby the authority was conferred in name and form upon the president, for the avowed reason that the secretary was acquiring an undue prominence and an appearance of independent importance. From this beginning the feeling increased rapidly enough by natural growth. But no sentiment of personal hostility can reach its full development without the fostering care of some individual

who is at once an enemy and a rival. Such a person was not long wanting to watch, tend, stimulate with unwearying vigilance and to promote by all holy or unholy means the dislike of the anti-federalists for Hamilton. Thomas Jefferson and Alexander Hamilton, starting in Washington's cabinet without previous personal knowledge of each other, — probably without much preconceived liking or disliking, but rather with a tentative curiosity on the part of each as to the character, powers, and principles of the other, — began very early to draw asunder. The gap, once visibly opened, widened fast; and ere long the two leaders were opposed to each other as diametrically, as fully, and perhaps with as much feeling of personal distrust and hostility, as history records of purely political opponents. The enemies of Hamilton under the generalship of Jefferson — singularly skilful, relentless and fertile of resources as he ever approved himself in a warfare of this kind — pursued their victim as man has seldom been pursued by his fellow-men Not only with open fury, but with covert insinuation, with charges which they knew to be false, and with refusals to acknowledge his honesty when it was proved by mathematical demonstration. They even pushed an odious investigation into his private affairs, till some of the more respectable of the assailants became ashamed, and not only exculpated him, but apologized. It is difficult to draw the line between what is and what is not permissible to decent and honorable men in political warfare. Yet if any thing can be dishonorable in politics, which some sceptics may doubt, then some of the measures resorted to for the purpose of ruining Hamilton's reputation were so.

Even were he the awful portent which anti-federalism thought him, it was unjustifiable to resort to those means of destroying him, to which some men not undistinguished in the ranks of that party did very vigorously, persistently, unblushingly resort; as certainly even a hateful criminal may be punished by processes more hateful than his own crime.

That stage in this narrative has now been reached in which personal animosities begin to claim some share of attention. The names of Washington, Hamilton, Adams, Jay, Madison, and Jefferson stand out preëminent among the great men connected with the early days of the country, and they each and all find an abundant meed of admiration and respect in the present generation. This is as it should be. They were all great, all able; they all — the biographer of Hamilton need not except even Jefferson — at one time or another brought valuable contributions to the growth and advancement of the United States: perhaps there was no one of them who, being only mortal, and living in exciting days amid novel incidents, did not at sometime fall into an error of judgment or an extremity of opinion. Though schisms and jealousies existed between them, yet I cannot regard it as a necessary any more than it is an agreeable function of the historiographer to seek to destroy the good name of any one of them; nor would I consciously conduct my own labors upon any such uncharitable plan. It is my part to tell Hamilton's story, not to deface the memories of his contemporaries.

With Washington, as has been seen, Hamilton was on the best of terms in every respect. In politics they were in sympathy, and their personal relations

were thoroughly friendly. With Jay an amicable footing seems always to have existed. Between Adams and Hamilton, circumstances hereafter to be narrated created a coolness on the part of Hamilton, and a considerable degree of heat on the part of Mr. Adams. From being the best of friends and vigorous co-laborers in behalf of the Constitution, Hamilton and Madison began to sever their political connection early in Washington's administration, and in time found themselves directly opposed to each other. Hamilton has suffered much at the hands of the biographers of both of these gentlemen, who have shown a disposition to sacrifice his name and memory to appease the manes of the offended presidents; a needless immolation, for the services of Adams and Madison assure them all and more than all the grateful admiration which they could have longed for in their most sanguine and ambitious moments. No retributory offerings of the mangled reputations of Adams or of Madison need be sought for the shrine of Hamilton.

Thomas Jefferson alone stands in a different relationship towards Hamilton from any other of his contemporaries. As one cannot serve two masters, so one cannot respect both these men. He must hate the one and love the other; he must hold to the one and despise the other. That Jefferson so conducted himself during the eight years of his presidency, that a large number of persons still believe him to have been a great, good, and useful statesman, is due in no small measure to the fact that during that period he was reaping what Hamilton had sown, and that he did not feel it incumbent upon himself to plough up

the field and sow it anew with that seed which in earlier years he had declared to be alone fit for use. As has been often observed of other men, he who in opposition had been so radical, in power became quite conservative. The anti-federalist of Washington's cabinet sought to divest the central government of none of its substantial powers when he himself was at the head of that government. The *sans-culotte* democrat during the days of the French excitement presided over a pure republic without manifesting any anxiety to revolutionize it. When treating of the antagonism between Hamilton and Jefferson, and of the questions which divided them, it is necessary to speak of Jefferson and his principles as they were at that period, not as they appeared at a subsequent date and under changed circumstances. Jefferson was a political chameleon; and it is not fair in discussing any particular era of his life to cast over it the widely differing hue which belonged to some other division of his long and mottled career.

The character of Jefferson's mind was peculiar. He has been generally called a philosopher; and perhaps that vague and extensive term is well selected to describe his intellect, also vague and extensive. He was by nature a theorist, not a practical man. He could discuss the science of government better than he could administer affairs. His genius was not executive. He always failed in emergencies requiring the activity and energy of the man of business. As governor of Virginia in the Revolution he did not distinguish himself; some persons have thought that he disgraced himself. He was a man of wide attainments, knew languages, read many books, dabbled in

many pursuits, was inclined to be cyclopedic in his style; yet he had not an accurate and thorough habit of mind. His speculations were bold and interesting; an iconoclastic age could not always keep pace with his reckless thinking. But when he dealt with facts it was necessary to accept his statements with caution. Nearly his last act in Washington's cabinet was to prepare a report concerning commerce. He had been three years about it; and it was a great party document, sure to be subjected to keen scrutiny. He had every motive, as certainly he had taken plenty of time, to make it a thorough instrument. It was replete with elaborate theories and plausible advice; but in its statistical and narrative parts it proved to be so full of error, so utterly untrustworthy, that a supplementary report in the nature of pages of "Errata" had to be furnished.

One of the most striking of his singular vagaries, furnishing a fair sample of the astonishing schemes which floated in rapid succession through his brain, was his notion that a nation could bind for its indebtedness only a single generation. The people of any one generation, he said, "cannot validly engage debts beyond what they may pay in their own time. . . . Every Constitution and every law naturally expires at the end of thirty-four years. If it be enforced longer, it is an act of force and not of right." In other words, he wished to establish a grand Statute of Limitations, based on what he called natural justice, which should effect an outlawry of every debt of a nation at the expiration of thirty-four years after it had first accrued. Verily a most convenient wiping of the national slate! It is true that Jefferson

only talked in this manner; he did not really behave so absurdly. When he became president, he adopted the established customs of mankind, and was content to act, if not to think, like his fellow-creatures. But who could foresee this change? And how could any reliance be safely placed upon a man who persisted in putting forth and defending such astounding propositions?

The Marquis de Chastellux visited him at Monticello, in 1782, and became much attached to him. The guest described the host as "at once a musician, skilled in drawing, a geometrician, an astronomer, a natural philosopher, legislator, and statesman;" . . . "a philosopher in voluntary retirement from the world and public business;" . . . the possessor of a "mild and amiable wife," and the tutor of his "charming children." Men of universal genius are usually distrusted by shrewd worldly observers, who think that it is possible to know too much. In his function as educator Jefferson ought indeed to have shone. His intellect, so capable of various learned acquirements, was of the pedagogic cast — upon an illustrious and magnificent scale indeed, but not the less pedagogic. Listen to the names which he suggested for the divisions of the north-western territory: Sylvania, Michigania, Cherronesus, Assenisipia, Metropotamia, Polypotamia, Pelispia! What suggestions could have emanated more appropriately from an usher in a classical school?

Jefferson's knowledge was respectable; it was his inability to put it to practical use which betrayed the deficiency in his intellectual structure. He had an uncontrollable passion for thinking, for theoriz-

ing; his extensive reading, a natural plausibility, an astonishing fluency with the pen, enabled him to indulge largely in this absorbing propensity. As every one in his native country and in that foreign land of France, which for a large portion of his life possessed half of his thoughts and more than half of his heart, was forming and discussing schemes of government, he naturally turned his attention to the same labor. He conceived most attractive plans, quite fascinating upon paper and impregnable in conversation, and having no worse fault than that in the world of real men they would not work.

In the midst of that period of imbecility and despair which intervened between the close of the war and the adoption of the Constitution, Jefferson was not without his suggestion. The panacea which he prescribed was a Committee of Congress, to consist of one member from each State, to be permanently in session, and to wield all the executive powers of the whole body. The scheme was tried. The committee was appointed, and upon the adjournment of Congress found itself in supreme control of affairs. Forthwith ensued debates of unprecedented acrimony, leading to hostilities so bitter that the committee was actually fractured into helpless pieces and gave up all attempt to perform its duties. The blunder which ruined this scheme continued to form an element of danger in all subsequent notions concerning government which Jefferson entertained for a long time to come. He was scared at the vision of *real power*. He conceived nothing to be so dangerous as a central authority.

It is sometimes said, that if Jefferson, instead of

Hamilton, had been master of the situation during the first few years after the adoption of the new Constitution, the altered leadership would have made no very material difference in the course of events. The basis upon which this bold assertion is hazarded is fatal to the man in whose behalf it is made. The necessities of the case, it is said, would have controlled; the power which the central government needed would have been recognized, would have been in due time assumed by the government and conceded by the people. Yet what else is this than to say that experience and emergency would have been too strong for the Jeffersonian theories? He would have sat at the helm of the ship of State, and kept her bows towards a certain point; but the mighty tide of human need and national destiny would have made the vessel drift insensibly yet surely upon a different course. If in 1789 Jefferson had succeeded in obtaining control of the policy of the administration, he could not have held the States together and at the same time been true to his abstract principles. He would soon have been driven to the melancholy choice between sacrificing the Union and modifying his opinions. A certain facility which he frequently displayed for the latter process leaves no great doubt as to the option he would have made. When he succeeded to the management of the national affairs, and really managed them with no small measure of dictatorial power, being not only president but leader of the dominant party, he did not govern upon his own theory of government. He carried into effect his own views concerning the politics of the day; but that is a different matter. The broad system of

government to which he succeeded was the Hamiltonian system. It was widely different from the system which he had professed to believe in and had striven to establish; but he seemed not ill satisfied with it; he was quite ready to work with it; he did not strive to revolutionize or substantially to alter it. Yet, had he chosen to do so, he was quite justified in considering that the people had put him into power after so short a trial of his adversaries because they expected him to undertake this very task. But with the opportunity for the undertaking came also the sense of its folly.

Jefferson is therefore chargeable with inconsistency. Had he frankly acknowledged that observation of the working of the government had led him to some modification of his original extreme and theoretic views concerning it, he might be respected as an ingenuous and able man, capable not only of intellectual liberality in receiving information and enlightenment, but also of the honorable courage of acknowledging the fact of such receipt. Unfortunately he not only had not the magnanimity to play this part, but he continued through these latter years to use words altogether inconsistent with his acts, to pretend that his beliefs were still what they had always been in times past, and to assail preëminently the memory of the man whose labors and principles he had in fact adopted. But inconsistency is a fault frequently to be brought home to Jefferson. He was for ever putting into writing the impulse of the hour; but unfortunately, when he sat down to write one of his effusive, subtle letters, he could not pause to read all the other letters and documents which he had previously written, and

hence it came to pass that he was continually uttering the strangest contradictions. His conduct at the time of the framing of the Constitution was eminently characteristic. With happy skill he succeeded in assuming simultaneously no less than three different positions. He wrote that he was dissatisfied with it; that he sincerely rejoiced at the acceptance of it; and that he was neutral and could form no positive opinion about it. He thought there should be a new Convention; but was glad when it was decided that there should not be one. He was "neither a Federalist nor anti-federalist;" he was "of neither party nor yet a trimmer between parties." If he really knew what he thought, he knew something which no one else has ever been able to find out.

For a time, before parties were well made up, and the issues distinctly comprehended, he favored Hamilton's financial schemes. His unbiassed judgment was given in favor both of funding and of assumption. The former he declared to be "a measure of necessity." The latter he described as a "palatable ingredient." The proposition to assume the State debts could not, he thought, be "totally rejected without preventing the funding the public debt altogether; which would be tantamount to a dissolution of the government." Later, when he found that destiny or his own ambition had decreed that he should be Hamilton's chief adversary, that these measures of his fellow-secretary, which upon their intrinsic merits he had at first approved, constituted the very stronghold which he must assault, — then at last he changed his mind. At first he had thought that the "prospect was really a bright one." But soon from this

new point of view a different light, or rather darkness, appeared to be shed over the landscape which until latterly had seemed so prosperous and gratifying in aspect. Thenceforth, funding and assumption found in him their bitterest opponent. He became aware that Hamilton's system had "two objects: first, as a puzzle to exclude popular understanding and inquiry; second, as a machine for the corruption of the legislature."

A very pretty tale too he in good time made up his mind to tell concerning his connection with one of these measures. Assumption, it will be remembered, was carried by means of a bargain made between its friends and one of the many parties interested in the location of the national capital. Long afterward, drawing upon his memory or invention or upon both, in the composition and judicious framing of the famous "Ana," Jefferson represented that at Hamilton's dinner table he had been duped and unfairly misled into aiding the consummation of this bargain. What he wrote June 20, 1790, to Monroe was, that unless these two bills, concerning the funding and the capital, could "be reconciled by some plan of compromise, there will be no funding bill agreed to; our credit will burst and vanish; and the States separate, to take care of themselves." If the plan of compromise should fail to take place he feared something infinitely worse in the shape of an unqualified assumption and a perpetual residence on the Delaware. More than three weeks later, when he had had ample time to recover his free eyesight even if he had been temporarily hoodwinked, he was still putting into writing his hopes for a compromise and

a proportional assumption which should reach the great part of the debts. The objections to assumption he believed were "harped upon by many to mask their dissatisfaction to the government on other grounds." Not long after this shrewd surmise escaped him he was himself sweeping the strings of this same harp with the vigorous touch of a master of the art! Jefferson's notions concerning Hamilton's measures are of no great consequence in themselves, for as Hamilton was a master of finance and political economy so Jefferson never had a practical knowledge of either. But such comparisons as the foregoing show the uncertain working of Jefferson's mind; show the historical value to be placed upon the "Ana," a work as untrustworthy as it is entertaining — a blunderbuss which the aged man loaded to the very muzzle with garbled gossip, but carefully forbade to be discharged until he himself should have secured the safe refuge of the grave.

It is not without its dark side too, — this false and groundless accusation brought by Jefferson against Hamilton of outwitting him in a game of political chicanery. Had Hamilton indeed done so, he had committed an unpardonable offence. Men who pride themselves on overreaching others can never forget or forgive if they themselves are overreached. Such a master of party politics as Jefferson has never lived in this country. To whatever else he may have been blind, he never was blind to the political aspect and bearings of a measure. That he should have been a dupe or a tool in a bit of political jugglery is altogether incredible, even though he himself asserts it. In partisan strategy he was greatly supe-

rior to Hamilton. He had always the appearance and often the reality of a thorough belief in his avowed doctrines. He could use individuals with great skill, rewarding them always, but acknowledging or denying his connection with them as he saw fit. He understood demagogic arts, though practising them with his pen rather than his tongue. He was eminently successful in putting himself into accord with the mass of the people; with the educated few he was never on good terms, nor could ever wean them from their allegiance to Hamilton: but he was a good gatherer of the vulgar suffrages. He was too pliant to let a conviction stand in the way of an expedient action, and he never demoralized his party by leading it against a strong gale of unpopularity, but made his forces lie down till the hurricane was over. Towards individual opponents he was rancorous and unsparing; he fully believed and freely spread all ill reports of them, and ceaselessly sought their utter destruction. He kept all his antagonists for ever on the defensive, not confining himself to charges grounded in fact, but drawing freely upon fancy, and deeming it a fair ruse in political warfare to disseminate a false report and leave the sufferer to clear himself if he could. His most striking faculty was that of writing poisonous letters. He excelled in insinuation, and could destroy a man's character in written words on a sheet of paper with such consummate subtlety, that the defendant himself with the sheet before him could find no specific sentence on which to ground a charge of plain falsehood. As leader of the anti-federalists Jefferson fully comprehended the situation, and adapted his strategy to it

with a perfect skill and sagacity. He did not fight hard all along the line, but regarding the treasury, so long as Hamilton was entrenched therein, as constituting the key to the Federalist position, he maintained an unintermitted series of attacks upon that post, — showing that, if the opposition party obstinately denied the wisdom of concentration in government, they at least fully appreciated it in assault.

They early began by opposing references from Congress to the secretary of the treasury. They complained that he was called upon for too many reports, and for too much advice ; that the originating function of Congress was practically destroyed, and that its independence would soon follow. The shadow of the great secretary was too large, and fell over all the other departments, nor yet ceased to expand. His name was too much before the people. Predictions of the utter subversion of liberty were actually uttered openly in Congress, should his foes not succeed in effecting the suppression of this dangerous man. They still reiterated the wretched outcry about monarchy, and would have it that Hamilton was a monarchist and was pertinaciously, covertly, and all too successfully drawing the nation in that direction. In this connection Jefferson now conveniently remembered that, at the time of his arrival at New York to enter upon the duties of secretary of state, he had suffered much mortification at the hospitable dinner tables at which from time to time he was present, because he there found that the preference for kingly over republican government was evidently a favorite sentiment. " An apostate he could not be, nor yet a hypocrite ! " So it happened that he was " often the

only advocate on the republican side of the question." Turning to his correspondence of a date nearer to the period of these shocking dinner parties in the regal interest, we find there the statement that the executive department is not the principal object of his jealousy, but that he conceives the "tyranny of the legislatures" to be "the most formidable dread" for the present. "I know," he adds, "there are some among us who would establish a monarchy, but they are inconsiderable in number and weight of character." Did he include in this slighting category the man who beat him in so many a sturdy contest? Or did he in fact not believe what nevertheless he asserted concerning Hamilton?

It was of little account in this controversy that Hamilton appeared in many respects more inclined, than were the anti-federalists themselves, to strengthen the legislative arm at the cost of the executive. He was on record as holding the doctrine that the Constitution gave to the president no power of removing officials, except by and with the advice and consent of the Senate. Madison insisted upon the absolute power of removal. Hamilton would have curtailed the customary use of the veto power far within the limits which Jefferson was quite ready to see set for it. Hamilton declared it to be his opinion that this privilege should be resorted to chiefly "to resist an immediate attack upon the constitutional rights of the executive," or in cases where the "public good was evidently and palpably sacrificed." Where either of two constructions "may reasonably be adopted, and neither can be pronounced inconsistent with the public good," it seemed to him "proper that the legisla-

tive sense should prevail." Undoubtedly much of the value of a general principle is to be found in its application; yet it must be acknowledged that a schemer who had deep-laid designs for transforming the president into a king would hardly have amused himself, or much promoted his darling purpose, by promulgating such doctrines as the foregoing, educating the people to such views of government, and creating mottoes and watchwords for use against his own project.

In a private letter written to a personal friend, in the composition of which the most suspicious person could with difficulty suggest a motive for false coloring, Hamilton fully discussed his own attitude and views. He stigmatized "any attempt to subvert the republican system of the country" as being "both criminal and visionary. I am," he said, "affectionately attached to the republican theory. I desire above all things to see the equality of political rights, exclusive of all hereditary distinction, firmly established by a practical demonstration of its being consistent with the order and happiness of society."

"I said," he went on, "that I was affectionately attached to the republican theory. This is the real language of my heart, which I open to you in the sincerity of friendship. And I add that I have strong hopes of the success of that theory; but in candor I ought also to add, that I am far from being without doubts. I consider its success as yet a problem. It is yet to be determined by experience whether it be consistent with that stability and order in government which are essential to public strength and private security and happiness.

"On the whole, the only enemy which republicanism has to fear in this country is in the spirit of faction and anarchy. If this will not permit the ends of government to be attained under it, if it engenders disorders in the community, all regular and orderly minds will wish for a change; and the demagogues, who have produced the disorder, will make it for their own aggrandizement." Persons there were acting with the party of Jefferson and Madison whom Hamilton suspected of an inclination to promote distrust and discord for their own benefit. But Madison, he "verily believed," had no such intentions; and he inclined also to acquit Jefferson, though he frankly said that he conceived the latter to be "a man of profound ambition and violent passions."

Many matters, without doubt, were referred by the first Congress to the secretary of the treasury, which might with perfect propriety have been otherwise disposed of. But in their opposition to such references the anti-federalists did not design to relieve him from the labor, but only to deprive him of the glory attendant upon its performance. Such tactics were somewhat petty and ignoble, and could have but limited effect, since people would surely find out where the real work was done. When, however, the party acquired sufficient audacity to seek to prevent the reference to the secretary of subjects which clearly fell within his department, — such, for example, as the topic of ways and means, and the matter of the redemption of the public debt, — then the combat became mortal. If Congress, after having listened to assaults upon himself and his financial policy, should be induced to refuse to consult him upon those ques-

tions of finance upon which custom and natural propriety would have led them to ask his information and advice, then there was but one course for him to pursue. He must resign. A victory of the anti-federalists in these matters must have been construed as substantially a vote of want of confidence. Not self-love but self-respect would have compelled him to abandon a post the customary duties of which the legislature questioned his ability to fulfil and actually refused to permit him to undertake. Fortunately these flank movements were not successful. The Federalists had no idea of seeing their chieftain fall the victim of such manœuvres, nor had Congress any notion of losing the advantage of his knowledge and advice. The references to the secretary were duly made, and his responsible and honorable labors continued substantially undiminished.

Hamilton and Jefferson had remained upon terms of social friendship until the controversy concerning the National Bank. The course of Jefferson in that matter, however, alienated Hamilton to such a degree that thereafter their intercourse was only official, maintained by notes written in the third person. It is only strange that the breach did not occur sooner, for feelings existed between them incompatible with private amity. Jefferson was in some degree jealous of Hamilton, because though the secretary of state ought to have been the principal cabinet officer, — the head of the cabinet, as it were, — yet practically this position seemed to have been seized upon by the secretary of the treasury. If such an usurpation had indeed taken place, it had been the result of the existence of an exceptional state of affairs, wherein it

had been inevitable that the financial questions should absorb the chief popular interest, and should involve and shape the policy of the government. But Jefferson did not like such a *bouleversement*, however it might have been effected. It did not by any means suit him to see Hamilton admitted to the freedom of the city of New York, to see his portrait placed in the Hall of Justice, to see him receiving the honor of a public festival, and in a multitude of other ways made the recipient of marks of favor and distinction proceeding from men of mark in the community. So he began to look around for food on which to fatten his own department, while taking all he could from his rival.

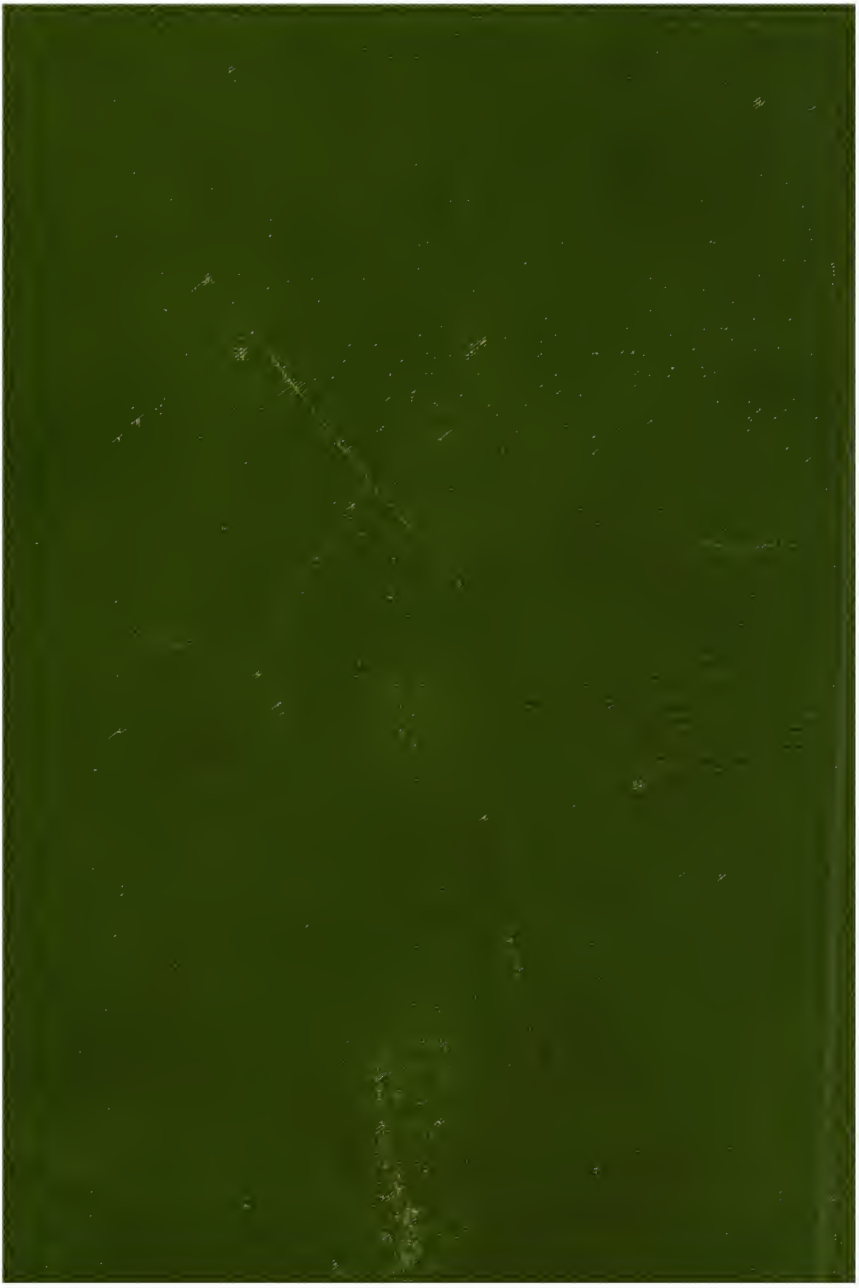
The post-office was not then a separate department; but its great and increasing patronage made it valuable, and he strove hard to get it out of the treasury into the department of state. In furtherance of this project he informed Washington that the treasury department already possessed such influence as to swallow up the whole executive powers, and to threaten to overthrow even the office of president. Washington listened to these ominous prognostications with his wonted imperturbable coolness, and having no fear of Hamilton's rivalry or encroachment he refused to disturb the existing order of things. Then Jefferson begged for the mint, alleging that the custom of other countries created a precedent in favor of annexing it to his department. Also he scrambled for references to himself, and succeeded in getting at least two, which could have been sent to Hamilton with no less propriety. The result however was unfortunate for the successful secretary.

One of these subjects concerned the fisheries. It was essential that the fishermen should be encouraged by artificial assistance, unless the valuable industry was to be allowed to die out. But Jefferson and the anti-federalists had been busy in the mutilation of Hamilton's schemes of this purport, and they found some little difficulty in drawing distinctions where no substantial difference existed. Jefferson in his report clearly showed the necessity of establishing bounties; but having brought the argument up to this conclusion he stopped short, refusing to cap the column he had reared, and threw the responsibility upon Congress. The anti-federalists took up the report very gingerly. To give bounties was to take a step far in advance of laying protective duties. They tried to conceal their tergiversation by proposing a drawback of duties upon all imported articles needed by the fishermen, — as thoroughly protective a measure in principle as any proposed by Hamilton. But even this, though suggested by Jefferson, would not suffice; and at last Madison was compelled to bring his beautiful argumentative powers to sustain the actual granting not indeed of bounties but of "allowances."

The other topic which the secretary of state rescued from his rival has been already mentioned. It was that of commerce, wherein a second report was required to correct the statements of facts which he had composed and ventured to use as the somewhat hazardous basis of his opinions in the earlier document. Jefferson never liked the hard edges of real facts, but wished to have them properly prepared and hammered into shape for use. He

conceived that the premisses should be made to fit snugly beneath the conclusion, rather than that the conclusion should be adapted to rest accurately upon the premisses.

Looking back upon these prolonged struggles which marked the term of the second Congress, it is easy to see that the opposition had gained if not real ground, yet something quite as valuable as ground; especially had they thus gained in the specific struggle against Hamilton individually, which they were conducting inside as it were of the general battle. It is true that they did not score a single important triumph in a long series of contests. Yet the Republican leaders instinctively felt a sense of encouragement, tinged with anxiety indeed, yet still a real encouragement; and they were justified in the sentiment. The anti-federalists had at first been known simply as opponents of a powerful, concentrated party; their very designation being a mere negative. But now they had become an equally concentrated, established party themselves, with a positive name of their own, a policy of their own, leaders of their own. Organization had been accomplished, with the result of bringing them into admirable fighting condition. They had reached that degree of personal exasperation against Hamilton that they could not be discouraged, but only farther enraged, when foiled in one attack after another upon him. They well understood that the defensive policy cannot be successfully maintained by a prominent statesman for an indefinite period, and they kept Hamilton ceaselessly upon the defensive, not only against fair assaults aimed at his financial measures, but against all sorts of vague and

wholly unfair charges brought against himself individually. It is an ignoble task for a great party, assuming to be half of the people and aiming to govern the whole nation, to devote itself to raising a hue and cry against one man. But the attempt once resolutely entered upon can hardly prove unsuccessful. The Federalists in combating the Republicans did not turn aside to hunt down Jefferson or Madison, or even such an offensive fellow as Giles. But the anti-federalists aimed direct at Hamilton, and were resolved to destroy him first and his party after him. Yet it will in time be seen that Hamilton had the good fortune, pending this session of Congress, to establish one or two strong points, which though in a measure defensive were new and very potent against his adversaries.

END OF VOLUME I.